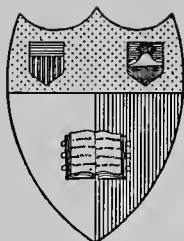


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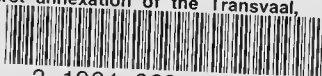
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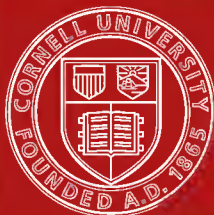
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**THE FIRST ANNEXATION
OF THE TRANSVAAL**

THE
FIRST ANNEXATION
OF
THE TRANSVAAL

BY
W. J. LEYDS, LL.D.

“That which hath been is now”
ECCLESIASTES iii. 15

LONDON : T. FISHER UNWIN
1 ADELPHI TERRACE. MCMVI

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Righteousness exalteth a nation.

(Proverbs xiv. 34.)

Nothing will divert the fatal consequences which injustice universally and invariably entails. The history of Africa is a constant illustration of this, and it has not yet said the last word on the subject. —(Professor de Louter, in *L'Annexion du Transvaal*, *Revue de Droit International et de Législation Comparée*, vol. xiii., 1881, No. II.)

Preface

AS a result of the annexation of the South African Republic and the Orange Free State to the British Empire, the Boer people have become an intimate factor in the political life of Great Britain.

In order to judge the probable effect of this influence and what are likely to be the future relations of the Boers with the British Government, we must first familiarise ourselves with their past relations. For in spite of the endorsement of the "clean slate" theory by certain English politicians, that theory is worthless in the estimation of those who realise that history is embodied experience and that the future is the outcome of the past.

It follows that the Earlier Annexation of the Transvaal, its consequences, and the manner and circumstances in which it was brought about, should be matters of the utmost significance and interest to all who are concerned in the future of South Africa.

But, just as it is impossible to consider recent events intelligently without a knowledge of the past from which

they sprang, so is it impossible to deal satisfactorily with the annexation of 1877 without first reviewing, however briefly, the preceding incidents of which that annexation may be considered the climax. For that reason Part I. of this volume consists of a sketch of "The Early Relations of the Boers with the British Government."

Under that head, as also when dealing in Part II. with the "Annexation of the South African Republic," every effort has been made to avoid introducing extraneous matter, and to give the essential facts only, with the evidence that those facts are recorded faithfully. The internal politics of the Republics are not mentioned, but special attention has been given to the relations of the Boers with the natives, when these brought the Boers into contact with Great Britain.

It will be seen that English authorities, almost exclusively, have been cited. If foreign authorities had been relied upon, it would have been said in England, in criticism of any statements which do not harmonise with British pre-conceived opinion, that these authorities are anti-English and that their statements are biased accordingly. Consequently, while the unofficial writings of more or less well-known British authors have also been drawn upon freely, much of Part I., and practically the whole of Part II., are based upon the reports and despatches which appear in the British Blue Books of the period, supplemented by Hansard's *Parliamentary Debates* and other official records.

The story which they reveal is in many cases almost incredible, but references are given in every case, not one

statement of importance having been made on the writer's independent responsibility. The facts, therefore, can always be verified by a sceptical reader for himself, and if he will take the trouble to do so, instead of rejecting them merely because they do not please him, this volume may be of real service to the cause of justice in South Africa. For, to familiarise people, foes as well as friends, with the records of the past, is to suggest, not only the probabilities of the future, but the ideal form for the future to take. Once that is recognised, it will be for them to assist in making the ideal a reality.

Another volume, which will be a continuation of this one, is already in course of completion.

In conclusion the writer desires to express his most cordial thanks to the friends who have assisted him in the preparation of this book.

W. J. L.

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THE STAATSCOURANT AND THE GREEN BOOKS OF THE SOUTH AFRICAN REPUBLIC.

THE STAATSCOURANT AND THE ORANGE BOOKS OF THE ORANGE FREE STATE.

NOTE

Italics are inserted by the author of this volume unless otherwise stated.

Square brackets are used for the purpose of designating, in the course of a quotation [as at present], a remark interjected by the author of this volume.

The spelling and typography have been made uniform throughout, the earlier forms, such as "Zoolah" for "Zulu," having been abandoned, even in quotations, in favour of modern practice.

PART I

**THE EARLY RELATIONS OF THE BOERS
WITH THE BRITISH GOVERNMENT**

CHAPTER I

DUTCH AND BRITISH RULE AT THE CAPE: 1652-1814

WHETHER it is true or not that the Phœnicians, as Herodotus states, sailed round South Africa several hundred years before the beginning of the present era, the credit for the discovery of the Cape of Good Hope, historically speaking, rests with the Portuguese navigator, Bartholomew Diaz. He had been trying to find an ocean road to India, and had failed. On his return journey, in 1486, he passed an unknown promontory which he called, rather ominously, the Cape of Storms. This name was changed afterwards by the King of Portugal to the Cape of Good Hope.

The Portuguese, however, made no attempt to take possession of the country they had discovered. It was left to the Dutch, after the lapse of nearly two centuries, to establish a permanent settlement there, the United Netherlands Chartered East India Company, in 1652, sending out an expedition to organise a revictualling and refreshment station on the Cape peninsula for the benefit of ships on their way to and from the East Indies.

Despite the terrible hardships and dangers to which the commander of this expedition, Jan van Riebeeck, and his followers were subjected (and as late as 1694 cattle were killed by lions within sight of Cape Town Castle), in less than five years after the commencement of operations a

large hospital had been completed; friendly relations had been established with the natives, from whom cattle were purchased for the supply of the Dutch East India Company's vessels with fresh meat; and gardens had been laid out for the provision of fruit and vegetables. A school was then organised, and not long afterwards the children of the settlement received as good an education as was obtainable at that time in Europe.

The white population in 1657 consisted of 134 persons. Twenty years later it was increased by the arrival of a number of Dutch families, whose present-day descendants—with names such as Pretorius, Bezuidenhout, Steijn, Botha, Potgieter, Wessels, Scheepers, Smit—are to be met with in all parts of the South African continent. Between the years 1688 and 1690, after the revocation of the Edict of Nantes, a considerable number of French Huguenot refugees were assisted by the Company in Holland to emigrate to the Cape. Looking through a list of their names, one finds many that were destined to become famous in the history of the Boer people: Joubert, Marais, Fouché, le Roux, du Plessis, de Villiers, du Pré, Retif, are among them. Add other names, such as Krüger and Smuts, that appear in the roll-call of 1691; de Wet, in 1695; Brand, in 1696; Cronjé, first noticed as Crosnier, in 1698; and Uijs, 1704; and with those already mentioned, there is suggested at once the whole story of South Africa's conversion from a wilderness into a habitable land.

This was the stock from which, with many valuable additions, chiefly German, the Africander people have sprung.* No one can deny that it is good blood. The French Huguenots had proved their stamina by resisting the most despotic and powerful monarch in Europe, and by abandoning their homes and property and friends for the sake of their religious convictions. They had been

* See de Villiers' *Geslachtsregister* and Colenbrander's *Afkomst der Boeren*.

persecuted bitterly, but they had been true to their faith. The Dutch were the offspring of men who had struggled for eighty years against the tyranny of Philip of Spain; who had faced overwhelming odds, and all the tortures of the Inquisition, for religious and national freedom. Quite recently, in 1672 and the years following, under William of Orange, they had opposed successfully the combined attack of the Kings of France and England. It will be remembered that in this last struggle the dykes were opened and the boundaries of the lowlands of Holland were laid under water to save them from occupation by the enemy; further, that it was proposed to move the entire population to some foreign land, as a last resource and in preference to subjection. It needed a combination of elements such as these, of French and of Dutch, with the later addition of German, the one fortifying the other, to do what the Boers have done in South Africa.

As the Dutch inhabitants by far outnumbered those of other origin, intermarriage inevitably produced a Dutch-speaking community. The French Huguenots were no exception to the rule.* Those of the second generation were Dutch in all but name. There was, however, no prohibition of the use of the French language, as some writers have pretended. Its use, so far from having been prohibited, was allowed both in the schools and in the churches, and in documents addressed to the Government. Not until the French settlers had lived at the Cape for twenty years, and had become thoroughly familiar with Dutch, was it made obligatory to address the Government, by letter, in the official language of the country.†

* According to Colenbrander (p. 109), only 123 of those bearing French names had descendants between the years 1688 and 1717.

† Theal, vol. i. pp. 390, 416. This reference is to the monumental History of South Africa (from 1486-1872), by Dr. G. Mc Call Theal, at one time keeper of the Archives of the Cape of Good Hope. Naturally, Mr. Theal's sympathies are very far from being inimical to Great Britain, but he is acknowledged by every responsible critic to have been impartial in his recital of the "ancient" history

Every year a few more families arrived from the Netherlands. In 1691 the population amounted to over a thousand, farms being scattered beyond the limits of the Cape peninsula as far north as the present town of Wellington. Three terrible outbreaks of smallpox, in 1713, 1755, and 1767, almost exterminated the native Hottentots and by no means spared the white population. But the Colony continued to grow, the census returns for 1754 showing the number of white people to have been about 5,000, while those for the year 1791 show a total of considerably over 14,000.

The British Government first appeared upon the scene in an official capacity in 1781. In December, 1780, discovering that certain Amsterdam merchants had been furnishing aid to the rebellious colonists in North America, they had declared war against Holland and—in view of the importance which British India was then acquiring, and of the value of the Cape as the best half-way house to India—had fitted out a fleet for the purpose of capturing Dutch South Africa. This plan having become known, France, as the ally of the Netherlands, sent a fleet in advance of the English and landed troops for the defence of the Colony. When the English squadron arrived not long afterwards it was deemed inexpedient to approach Cape Town; so the invading force seized some merchant-vessels in Saldanha Bay and then withdrew. The conclusion of peace, in 1784, prevented any further aggression.

During all these years there had been Governors neither much better nor worse than those met with at that time in colonies everywhere. This, at least, must be said for the directors of the Dutch East India Company, that, of South Africa. So far as the present writer knows, there is no other English exponent of South African history who has had similar opportunities for independent investigation or who has devoted so many years to conscientious research.

“given a certain system, they meant to govern well.”* Generally speaking, also, it has been recognised, even by English critics, that “instead of asking why the Dutch did not do more, we should rather wonder that they did so much. . . . Not a little was done, and what was done has stood the test of time” (Lucas, vol. iv. pp. 26, 34).

Toward the close of the eighteenth century, in consequence of the wars that had recently convulsed Europe, the Dutch East India Company, after many years of immense prosperity, found itself on the verge of bankruptcy. To bring its expenditure within the bounds of its receipts, measures were adopted at the Cape that gave intense dissatisfaction to the Colonists. The Republican movements in France and in America, of which they had heard a good deal, had influenced them greatly, and the existence of a democratic party in the Netherlands further encouraged them to resist what they considered an interference with their rights.

So in 1795 the burghers (citizens) of the Graaff-Reinet district practically threw off all allegiance to the Dutch East India Company, forming what they called a “National” party on the basis of self-government without interference by the officials nominated in Holland. Their example was followed by the burghers of Swellendam.

In the Netherlands, opposed to the democratic party which allied itself with France, was the Orange party, under Prince William, allied with Britain and Prussia. When war between France and Britain again broke out, and a French army, toward the end of 1794, entered Holland and was welcomed by a large majority of the people, the Prince of Orange, on January 18, 1795, was obliged to take refuge in England. The Dutch States-General then issued a proclamation (March 4, 1795) absolving all persons in the Netherlands

* Lucas, vol. iv. p. 76. Mr. Lucas has been said to give more faithfully than any other writer the point of view of the English Colonial Office.

and its dependencies from their oath of obedience to the Prince. This naturally accentuated the differences between the East India Company's officials in South Africa and the Cape Colonists, for the former were ardent supporters of the House of Orange, while the latter were democrats and looked upon the French as their allies.

The result was that when an English fleet anchored in Simon's Bay in June, 1795, and demanded the surrender of the Cape in the name of the Prince of Orange and on his behalf,* the opposition of the Commissioner-General, A. J. Sluysken, and of the officers commanding the regulars, was purely nominal. The burghers offered a determined resistance, but as they were under the command of a Colonel of regulars, and felt that every order given was a step in their own betrayal, they soon abandoned the defence of Cape Town and retired to the up-country districts. Terms of capitulation were then arranged between Vice-Admiral Sir George Keith Elphinstone, General Craig, and General Sir Alured Clarke, on behalf of Great Britain, and Commissioner Sluysken and the Council of Policy on behalf of the Dutch East India Company, and were signed on September 15 and 16, 1795.

* The Prince of Orange wrote to the Governor of the Cape "ordering him to admit into the Colony any forces which should be sent by the British Government, 'to consider them as troops and ships of a power in friendship and alliance with their High Mightinesses the States-General, and who come to protect the Colony against an invasion of the French'" (Lucas, vol. iv. p. 93). But the Prince of Orange issued this order only after having received from the King of England the following formal assurance (February, 1795): "His Britannic Majesty having proposed to His Serene Highness the Prince Stadtholder to order the commanders of the fortresses, troops and ships belonging to the Republic of the United Provinces, to place themselves under the protection of His Majesty, in view of the circumstances in which the Republic is placed by the occupation of the province of Holland by a hostile force, His Majesty undertakes, in the most formal manner, that he will hold in trust every vessel, fortress or place whatsoever which may place itself under his protection in consequence of the said order, and that he will restore them to the Republic of the United Provinces, as soon as His Majesty and the Republic shall be at peace with France, and [as soon as] the independence of the Republic and its legitimate constitution, guaranteed by His Majesty in 1788, shall be assured" *Reports of the Historical MSS. Commission*, C. 9470 of 1899, vol. iii. p. 26).

The burghers now found themselves in a position of great difficulty. They were not inclined to submit, but the military stores of the Colony were in Cape Town and had been surrendered by the representatives of the Company. Without ammunition, or with so little that resistance could last only for a few days, they retired to their farms, declaring, however, that they considered themselves in no way bound by the acts of Commissioner Sluysken.

In these circumstances, to quote Mr. Theal, "every possible effort to soothe the Colonists was made by the English commanders" (Theal, vol. iii. p. 1). Many of the Dutch civil servants were retained in authority; and a proclamation was issued by Clarke, Elphinstone, and Craig announcing that:

'The monopolies and oppressions hitherto practised for the benefit of the India Company are at an end. A free internal trade and market takes place from this day; every man may buy of whom he pleases, sell to whom he pleases, employ whom he pleases, and come and go when and where he chooses by land or water' (*Records*, vol. i. p. 132; September 18, 1795).

The statement was repeated that the Cape had been taken simply "under the protection" of the British king, and officials who wished to serve the new Government were required to take an oath to discharge their duties faithfully only "so long as they shall enjoy the Benefit of the King's protection or receive salary or other Emoluments for their services" (September 22, 1795).*

After some delay, on these easy conditions the burghers in the neighbourhood of Cape Town submitted. Those in the district of Graaff-Reinet, who had their own small store of ammunition, and who considered themselves a separate community, held out for more than a year. Then, just as soon as fair promises and easy conditions had won the day

* *Records*, vol. i. pp. 153, 154; and see Lucas, vol. iv. p. 96.

and opposition had finally collapsed, the British Ministry gave up all pretence of holding the Cape in trust for the Prince of Orange until his restoration to the Stadtholdership of the Netherlands, and declared their intention to retain it in perpetuity. (Lucas, vol. iv. p. 96.) Every other promise made by General Craig and his colleagues was as lightly broken.

‘The farmers had no more liberty of buying and selling than they had under the East Indian Company. . . . The Government permitted no provisions of any kind to be exported without special leave from the Secretary’s office.’*

A new and more stringent oath of allegiance was required to be taken, not merely by officials, but also by burghers. Those who demurred were threatened, by name, with banishment, and in the case of persistent obduracy were actually banished. (*Records*, vol. ii. pp. 92, 108, 278.) “There certainly never was a period in the history of the Cape Colony when there was less freedom of speech than during the administration of the Earl of Macartney,” who was appointed Governor in succession to General Craig.

Mr. Theal excuses much of Lord Macartney’s procedure on the ground that the burghers were strongly imbued with republicanism, while the Governor was a Tory and regarded “republican principles with something like horror.” This, however, would have been poor consolation for the sufferers, for their grievance was that practically every promise made by the British on arriving in the country had been broken.

After eighteen months’ service Lord Macartney retired (November, 1798). Whereupon the authorities in London granted him a pension of £2,000 a year—out of the revenue of Cape Colony! (*Records*, vol. ii. p. 436.) He was suc-

* Theal, vol. iii. p. 32 (1st edition); and see *Records*, vol. ii. p. 48, for General Craig’s Proclamation of January 30, 1797, prohibiting the export of corn, flour, and biscuit.

ceeded by Sir George Yonge, under whose auspices matters went from bad to worse. An inquiry was ordered, and "a system of corruption" was brought to light, "without parallel even in the very worst days of the rule of the East India Company." *

The farmers became so dissatisfied that those in the district of Graaff-Reinet rose in rebellion (1799). They were induced to surrender without much difficulty, as they misunderstood the terms offered by the General in command of the British forces and imagined that they were to be pardoned. (Theal, vol. iii. pp. 45-49 and 63-65.) Not many months afterwards they discovered their mistake: two of them were sentenced to death, ten to banishment from the Colony for life, and others to various terms of banishment or imprisonment. (*Records*, vol. iii. p. 270-295.) A schoolmaster, also implicated in the rising, was sentenced to be publicly flogged and banished—a sentence which was carried out immediately, Sir George Yonge, the Governor, undertaking on his own responsibility to increase its severity by directing the delinquent to be sent as a convict to Botany Bay.† The other sentences having been referred to the Secretary of State, this gentleman—evidently no believer in conciliation—ordered that they were to be given effect. But the Acting-Governor, after Sir George Yonge's departure, delayed matters until finally, when the British withdrew from the Cape in 1803, the prisoners, with the exception of one who had died in confinement, were handed over to the Dutch Commissioners and were released.

But the Secretary of State's firmness, as it probably was called, had not produced the desired effect. Two years before the Dutch re-occupied the Colony, and while the fate of the prisoners was still doubtful, there was another

* And see also Lucas, vol. iv. p. 96.

† *Records*, vol. iii. pp. 300, 371; vol. iv. p. 124. It is uncertain whether the schoolmaster arrived in Botany Bay or escaped to Holland.

insurrection in the Graaff-Reinet district. The farmers had much to complain of. To them it seemed "as if justice, as well as order, had fled from the land." The natives robbed them of their cattle, and the British authorities would neither protect the owners nor allow them to protect themselves. Then the church in Graaff-Reinet was used as a barrack for a regiment of Hottentots, and when the farmers protested against this as an outrage, they could obtain no redress. But the chief cause of the insurrection was the unpopularity of the magistrate who had been placed in charge of the district.* As soon as this official had been removed, and the insurgents had been promised an inquiry into their grievances, and a full and free pardon if they would return to their allegiance, the outbreak subsided.

Shortly after this, information was received at Cape Town that France and England had signed preliminary articles of peace, which provided for the restoration of the Colony, not to the Prince of Orange, but to the Batavian Republic, as the United Netherlands were now called. The Peace of Amiens (March, 1802) confirmed this agreement, and on the 20th of February, 1803, Cape Colony was handed over formally, amidst great rejoicing, to the Batavian Commissioners.

In less than three months from the day of thanksgiving which had been observed for the restoration of the Colony to the Dutch, war again broke out between France and England, and, owing to the close alliance between France and the Batavian Republic, the Cape was threatened at once with another invasion. In spite of constant anxiety on this score, much was done during the brief rule of the Batavian Government to improve the condition of the Colony.

Both Commissioner de Mist, who remained in the Cape

* For the magistrate's defence, see his "Provisional Justification" in the *Records*, vol. iv. pp. 283-329.

only until September, 1804, and Governor-General Janssens, who at first exercised authority jointly with de Mist, and subsequently alone, were honest and capable administrators. "They spared no pains to promote the interests of the residents in the Colony, white and coloured alike" (Lucas, vol. iv. p. 101). Before three years had passed, an ordinance had been issued granting full religious toleration; a commission had been appointed to make improvements in agriculture and stock-breeding; a postal service had been organised between Cape Town and the inland villages; the marriage law had been simplified; the civil service had been improved by the addition of new magistracies, and the courts of law had been remodelled.

But Dutch administration was brought to a summary end. In January, 1806, a British fleet of sixty-one vessels, with a large military force, arrived off Cape Town. For some time previously General Janssens had known that resistance would be hopeless. Most of the soldiers in his command had been withdrawn for service in Europe or in the East Indies, and, during those three years of suspense since the outbreak of war, with a frontier threatened unceasingly by marauding natives, it had been impossible to keep in Cape Town the number of burghers required for its defence. Still, with the small force at his disposal, the General did what he could to avoid unconditional surrender. After a sharp skirmish at Blueberg had been won by the British, he retired into the interior, and from there succeeded in arranging satisfactory terms of capitulation, including a provision that :

'The burghers and inhabitants shall preserve all their rights and privileges which they have enjoyed hitherto; Public Worship, as at present in use, shall also be maintained without alteration' (*Proclamations*, etc., p. 2).

From that day to this the Colony of the Cape of Good

Hope has been a possession of the British Crown ; for in 1814, the Prince of Orange, who had been received by all parties in the Netherlands as their sovereign, was forced by the British Government, his ally, to enter into a Treaty and a Convention at London (August 13, 1814), in which it was agreed finally that Great Britain was to retain possession of Cape Colony.

These agreements were expressed purposely in terms which gave rise to the impression that the Dutch Prince sold the Cape for a consideration of several million pounds ; and that he did so has been stated ever since, practically by all English writers on the subject. Such accounts of the transaction, however, are entirely misleading. Neither Holland nor the Prince received one penny in exchange for South Africa.*

The burghers, unfortunately, did not know the facts. They heard and accepted the statements which were circulated at the time, and they imagined that they had been grossly betrayed. This made their position a cruel one. They had bitter memories of the earlier British occupation, with its record of broken pledges and harsh treatment (harsh in their view, in any case). Until this Treaty had been signed, they had not ceased hoping that their country would be restored again to the Government of the Netherlands. Naturally, when they heard that without their knowledge or consent Cape Colony had been "sold" to a nation which they had always regarded with hostility,† they felt, not only that their allegiance to William of Orange had been severed for ever, but that it was impossible to recognise his right to transfer their allegiance to another. It is doubtful, however, if they would in any circumstances

* See the Note at the end of this Chapter.

† Captain R. Percival, writing in 1803, declared that "an Englishman will be surprised at the aversion, and even the hatred which the Dutch seem to entertain towards us" (quoted by Dr. Kuyper from *An Account of the Cape of Good Hope*, p. 305).

have recognised such a right; and it is still more doubtful if even an understanding of the Dutch Prince's motives would have altered their attitude toward the King and Government of Great Britain.*

That attitude, as will be seen in the next chapter, was far from improved by the violation, soon after signature, of the terms of capitulation obtained by General Janssens for the especial benefit of the "burghers and inhabitants."

NOTE.—THE PASSING OF CAPE COLONY FROM HOLLAND TO ENGLAND.

It has been stated in the text already that the terms of the Treaty of London, which with its separate and secret articles was signed on August 13, 1814,† created the impression that the Prince Sovereign of the Netherlands was to receive from England a sum of from three to six million pounds as compensation for the retention by the British Crown of Cape Colony; and that that is the version of the proceeding that has been accepted by all English and by most other historians.

The facts, which differ widely from such a view, are as follows: ‡

* In an article on "England and the Transvaal" in *The North American Review* for January, 1900, Earl Grey gives the following extraordinary version of the events related above: "During the Napoleonic wars, at a time when Holland was a province of France, the Colony [of the Cape] was captured by British arms; and so well pleased were the Cape Dutchmen with the change of Government, British rule being found by them to be less onerous and harassing than that of their own people, that, when the peace of 1814 was concluded, the Colony became, *with the general consent of its white inhabitants* [the italics are not Earl Grey's], a permanent possession of Great Britain!"

† See de Martens' *Nouveau Recueil de Traités*, 1818, Tome II. p. 57.

‡ Compare Professor Heeres' very valuable contributions on this subject. The first was delivered as a lecture before the Maatschappij van Nederlandsche Letterkunde in the year 1896, and was issued afterwards as a pamphlet under the title, *Did Holland sell the Cape?* The second was read before the Indische Genootschap, in October, 1901, under the title, *The Passing of Cape*

From the first it had been evident that the British Government had decided to retain the Cape at all costs.

That the leaders of the Dutch nation had seen through the plan of the British is well shown in a despatch addressed by one of them, Gijsbert Karel van Hogendorp, to Fagel, the adviser and afterwards the Ambassador in London of the Prince of Orange (November 28, 1813):

‘It is . . . my duty to make known to England what my country expects of her: that is, the prompt and unreserved restitution of the colonies in the three hemispheres.

‘We will unite ourselves to England with indissoluble ties; we will be wholly her friend: but we have the utmost confidence that she will retain nothing which belongs to us.’*

Such was the attitude of the Dutch. Their claim was, to quote the words of the Secretary for Foreign Affairs, van Nagell, “to have their colonies restored to them.”

The English, however, would not discuss the question at all. Holland was terribly impoverished as a result of her long wars, and her fleet had been destroyed. So, although the Prince of Orange was England’s ally, it seemed to the British Government that this was no occasion for discussion or negotiation, but for dictation, and for such emphatic dictation that van Nagell, in a memorandum to the Dutch Prince, complained that it was impossible “to put up with such a tone.”†

“It is for us to judge . . . to restore or to keep,”‡ as Lord Castlereagh, Secretary of State for Foreign Affairs, expressed it to Fagel. The request of the Dutch to have

Colony from Holland to England. The third, under practically the same title, was published in *De Nederlandsche Spectator*, No. 26, of 1905. In this article, written as the result of further researches, Professor Heeres confirms the conclusions which he had put forward previously.

* F. van Hogendorp, *Gijsbert Karel van Hogendorp in 1813* (the Hague, Nijhoff, 1876), p. 21.

† Heeres, *1st Lecture*, p. 40.

‡ *Ibid.*, p. 39.

what had been theirs restored to them was stigmatised as an "exorbitant demand," and in place of meeting fact with fact and argument with argument it was considered a sufficiently crushing rejoinder to speak of "the colonial pretensions of Holland." *

Instead, therefore, of the Treaty being the outcome of negotiations, it was based upon what, in the words of van Nagell's memorandum to the Prince, "almost amounted to a Proclamation [by the British Minister] to the effect that 'this part of the Dutch Colonies I keep; that part I give back.' "

The Treaty itself was in character with the negotiations which preceded it. It was not what it purported to be. It set forth that in consideration of a sum of £6,000,000 to be paid by England, Holland would transfer to the British Crown certain of her colonies, including the Cape. Actually, however, *the £6,000,000 were not to be paid to Holland*, and the cession of these colonies was made in consideration, chiefly, of the impossibility of resisting England's demands. †

According to the terms of the Treaty, the £6,000,000 were to be devoted to three purposes:

(a) One million pounds were to go to Sweden as compensation for the cession of one of her colonies to France.

(b) Two millions were to be spent on the construction of fortifications near the north-eastern frontier of France.

(c) A maximum of £3,000,000 was set aside to defray "further expenses . . . with a view to consolidating and establishing finally in a satisfactory manner the union of

* Lord Castlereagh to the British Minister at the Hague, dated July 14, 1814. See van Deventer, pp. 36-38.

† Professor Heeres, after delivering his lectures of 1896 and 1901, discovered a letter from Prince William to Fagel, dated July 9, 1814. In it the Prince says: "From the correspondence with Mr. van Nagell you will readily be convinced of the painful position in which we are placed. We know perfectly well what our position is, and that the earthen pot cannot resist the pot of iron" (see the article by Professor Heeres in *De Nederlandsche Spectator*).

Belgium with Holland, under the rule of the House of Orange."*

But this third clause was inserted so as to conceal an agreement with Russia, which was at first kept secret, and which was only embodied subsequently in a treaty. This treaty, to which England, Russia, and Holland were parties, was signed on May 19, 1815.† It provided that Russia was to receive directly from England a sum of £2,000,000 (twenty-five million guilders) to enable her to pay off a loan which she had contracted some years before. England wished to stifle Russia's opposition to her European policy, and she made this payment in order to attain that end.

None of this money was to go to the Dutch Government. In each case it was paid to the third parties specified, and without benefit to the Dutch Treasury.

Nor were the purposes to which the money was devoted of interest exclusively to Holland. They were international purposes, and the interests affected were European primarily, and Dutch in one case only secondarily, and in the two other cases remotely.

But now arises the question why such pains were taken to create a false impression publicly. The reason was that the £6,000,000 had to be obtained from the British Parliament. Cabinet Ministers thought it necessary to show some tangible return for the large sum to be expended; they realised, in the words of Lord Castlereagh (July 30, 1814), the necessity "of having something to hold forth to the public."‡ They could not at first reveal the terms of the secret agreement with Russia. Nor could they explain that

* It should, perhaps, be explained that the Dutch people in no way desired union with Belgium. Union was insisted upon as an outcome of that anti-French policy of which Great Britain was the leader. To cite van Hogendorp's private memoirs, written in 1817, but published only in 1901: "The Great Powers have arranged the union of the Netherlands [Belgium with Holland] in order to secure the balance against France; and for that reason we were obliged to put up with it" (*Gids Magazine* of 1901).

† de Martens, p. 275.

‡ Heeres, *2nd Lecture*, p. 132.

both Russia and Sweden would have vetoed the general agreement—would, in short, have upset “the concert of Europe”—if pecuniary satisfaction had not been promised them.

Nevertheless, the truth of the matter, at least so far as it need now be considered, was soon brought to light. In the British Parliament, not many months after these arrangements had been concluded, Ministers of the Crown were heckled to such effect that, as one of the last speakers during the debate on the subject, Mr. Baring, found himself in a position to observe, “the question had been put on a better footing *by the abandonment of the allegation* that the purchase of the Colonies was the real ground for the vote” *—a remark which English historians appear to have overlooked.

* Hansard, vol. xxxi. p. 755.

CHAPTER II

THE NATIVE QUESTION: 1811-1835

THE total white population of Cape Colony in 1819, five years after the country had finally been acquired by Great Britain, amounted to nearly 43,000 persons. Of these but a very small proportion were British-born, and of that proportion hardly any were to be met with beyond the narrow limits of the Cape peninsula.* But in 1820, after some years of distress among the labouring people in England, great efforts were made to encourage emigration to South Africa. Free passages were granted; land was given free of rent and taxes, and rations of food were to be issued until the settlers† became self-supporting. Nearly five thousand individuals of British birth were in this way induced to settle at the Cape. But after 1821 the rate of immigration resumed its normal proportions, so that the increase of English-speaking people continued to be small in comparison with the increase of the Dutch Colonists.

Of the latter, in a letter marked private and confidential, which he addressed to the victorious commander of the

* According to Theal, vol. ii. p. 325 (edition of 1897), the blood of the Cape Colonists in "1795 was probably a little less than two-thirds Dutch, one sixth French, and the remainder of German and other nationalities." But Colenbrander, declaring that both Theal and himself base their calculations on the researches of de Villiers (in the *Geslachts-Register*), states that in 1806 the blood of the Cape Colonists was more than 50 per cent. Dutch, 27 per cent. German, 17 per cent. French, and about 5½ per cent. Danish, Swedish, Swiss, Belgian, etc.

† By the Dutch they were always called "setlaars."

British forces in 1806, General Janssens had expressed an opinion based upon personal experience.

‘Allow me, Sir,’ he had written, ‘to recommend to your protection the inhabitants of this colony, whose happiness and welfare ever since I have been here were the chief objects of my care, and who conducted themselves during that period to my highest satisfaction. Give no credit in this respect . . . to the enemies of the inhabitants. They have their faults, but these are more than compensated by good qualities. Through lenity, through marks of affection and benevolence, they may be conducted to any good.’*

Unfortunately, if a deliberate effort had been made to follow the reverse of General Janssens’ recommendation, very little more could have been done to outrage the feelings and to alienate the confidence of the burghers during the thirty years following the second conquest of the Cape by the British. The events of those years culminated in the Great Trek of 1836–1839, when thousands of Boer families abandoned their homes and property, and faced the most terrible hardships and dangers, simply to escape from British rule. It is a record of astonishing mistakes. One of the most bitter of the Boers’ opponents, in a recent indictment (1900) of everybody and everything that is not both British and Jingo, finds it best to make a virtue of necessity and to admit that in those early days

* Quoted by Theal, vol. iii. p. 150. A British Governor, Sir Harry Smith, since described as the first great “Imperialist” to occupy that position, writing to the Secretary of State for the Colonies on March 26, 1849, said: “The character of the Dutch farmer is peculiar; he is kind and hospitable, affectionate and grateful for kindness when really convinced of its sincerity; inclined to be very religious, and entertaining the highest respect for the ministers of his church” (Blue Book No. 1360 of 1851, p. 2). And the opinions thus expressed at the beginning and in the middle of the century were more than confirmed at its close; for another British Governor, Sir George Grey, who had been the first to advocate South African Federation (in 1858; see Molteno, vol. i. p. 320), was asked during an interview, which was published in the *Humanitarian* of April, 1896—“Then, to avoid controversial topics and to sum up the whole matter, Sir George, you think highly of the Boers?” “I have lived among many nations and in many countries,” said the venerable statesman, “and I may with all truth say this: *I know no people richer in public and in private virtues than the Boers.*”

“the Boers stood up for fair treatment, and fought the cause, not of Boers alone, but of all Colonists.”*

The story of Slachter's Nek (1815) well illustrates the attitude which the majority of English officials assumed towards the farmers. A party of Hottentots was sent to arrest a farmer, Bezuidenhout by name, on a charge of ill-treating a coloured servant. Bezuidenhout refused to surrender, resisted arrest, and was shot dead. At his funeral, a brother of the deceased declared that at all costs the Hottentot corps must be expelled from the neighbourhood and punished for the outrage which had been committed. Others present expressed their approval, and proceeded to plan an insurrection.

The movement was abortive. Only about fifty men took any part in it, for the majority of the farmers refused to support and many of them helped to suppress it. There were but two casualties—the second Bezuidenhout, and a Hottentot whom he shot when a large party of them tried to arrest him. The other insurgents surrendered at a place called Slachter's Nek to a force consisting of a commando of burghers and some forty dragoons. They were sent to Uitenhage for trial. Six of them were condemned to be hung; one “to be made fast by a rope round the neck to the gallows, and exposed to public view, and, together with the other Prisoners . . . to witness the execution,” and then to be banished from the Colony for life; the rest to various punishments, from banishment to short terms of imprisonment.†

No blood had been shed by any of the prisoners, so it was generally imagined that the Governor would exercise his right of clemency and at least would reduce the sentence of death. “It seemed to most people that something was

* Fitzpatrick, p. 4, endorsing Mr. Theal.

† *Cape of Good Hope Archives: Slachter's Nek Rebellion, 1815*, edited by H. C. V. Leibbrandt, p. 113.

due to the burghers who aided the government, and who were afterwards horrified at the thought that they had helped to pursue their deluded countrymen to death" (Theal, vol. iii. p. 238). But in the wisdom of the Governor it seemed necessary to crush the Dutch Colonists, not to win their affection: so with one exception the death sentences were carried out. On the scaffold, as soon as the drop fell, four of the ropes broke. The victims then rising to their feet uninjured, the crowd of onlookers, seeing in this incident an evidence of the will of God, appealed loudly for mercy—a prayer which the officer in command considered himself powerless to grant.

To this day the story of Slachter's Nek lives in the memory of the Boer people; for their memory is long, and the slate of their minds can be wiped clean only by the passage of centuries. Nevertheless, it was an event of minor consequence in comparison with others that led up to that turning-point in the history of South Africa—the Great Trek.

The Great Trek or Exodus was caused fundamentally by the constant interference of British Secretaries of State in the local affairs of a continent six thousand miles beyond the range of their experience and comprehension. Doubtless their intentions were excellent; but in practice they theorised about the natives and theorised about the Dutch—basing their theories upon one-sided testimony—and then insisted that their resulting prejudices should be acted upon by their representatives in the Colony, at the expense, naturally, of the Colonists. Sometimes these representatives ventured to protest. More frequently, in conjunction with the superior official who had appointed them, they had determined upon a policy before arriving in South Africa; and thereafter, in most cases, by reason of unexpected developments, they found it necessary to galvanise a somewhat bewildered Cabinet in London into approval of the

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policy preconceived by the responsible Secretary and themselves—an operation they performed by means of despatch “shockers.”

Successive Secretaries of State adopted a method of dealing with the blacks which alone would have compelled the border population to emigrate. And as this is a subject in regard to which there is still much misconception, resulting from the incessant repetition of statements derogatory to the Boers, which have been contradicted frequently but quite ineffectually, it is necessary to deal with it in detail. These statements were promulgated, in the first place, by some of the early missionaries.

To-day, the inhabitants of South Africa, both English and Dutch, are practically united in their condemnation of early missionary methods.* But this unanimity is

* Upon the results of such mission-work, as it was conducted at that time of first experiment, Governor Janssens passes a very unfavourable judgment.

“I would pray the Board,” he writes, “to invite the Missionary Society of Rotterdam provisionally to cease sending missionaries hither. It is a proceeding which seems, in a library, to be finer and more useful than it really is. The missionaries do a considerable amount of mischief, and I try in vain to discover what good they do. By them the savages are taught some words which they do not understand, and if they imagine that they understand them somewhat, it is to draw wrong and noxious conclusions from them. That man is created after God’s image, makes the Hottentot doubt whether Providence resembles him or the white man. That all men are equal and are miserable sinners; that we must honour God and His beloved Son, makes many of them believe that another authority—worldly authority—need not be acknowledged or respected, and that they must bear it as a great evil only. They often mumble the words about the redeeming blood of the Lamb, about the cleansing from sin, etc. But the attraction which the savages really find in the missionaries is that the latter distribute presents and allow their pupils to continue living in that complete idleness which these people so dearly love. They leave the farmers, or are prevented remaining with them: they prefer, for their daily and sole work, to pray and to listen in idleness to a few hours’ preaching.”

And in a letter of later date:

“The American ship again brought a number of missionaries. They are about the only things the settlement does not lack. The missionaries are abhorred by many of the farmers because they make their families fanatic, and demoralise the savages, who, otherwise, are useful farm labourers. We are now much in need of the affection of the Boers, who are unfortunate enough already by reason of the unprecedented draught. It troubles me greatly that they should be irritated by the sight of so many missionaries wandering about the country.” (Quoted by Colenbrander in the *Nieuwe Rotterdamsche Courant*, August 7, 1900.)

confined, unfortunately, to South Africa, for there are people in England who remain unconverted to the Boer view and who still repeat the false accusations of many years ago, in spite of their refutation by Governors and other British officials.

It was in 1799 that the London Missionary Society commenced work in South Africa,* sending out the Rev. Dr. J. T. Vanderkemp as its leading representative. One of this gentleman's "maxims was that to secure the confidence of savages it was necessary to conform to such of their customs as were not sinful, and at a little later date this man, who had moved in refined circles in Europe, actually purchased a black slave girl, whom he married and lived with in a style hardly differing from that of people of her race" (Theal, vol. iii. p. 60).

Dr. Vanderkemp set the fashion among the most influential class of missionaries. There was another class, but it had little or no influence in England, for while the former spent whatever time was left over from religious instruction in political agitation, the latter abstained from this form of activity, and undertook to teach the natives the value of honest work and of cleanliness, devoting as much time to that as to instructing them in creeds and catechisms. This latter class has always been supported by the Dutch inhabitants, who have, indeed, maintained on similar lines many missions of their own.† The former class, on the

* The first missionary institution in South Africa was established by the Church of the Moravian Brethren in 1737. Its work was interrupted, temporarily, in 1743, but was resumed permanently in 1792 (Blue Books, No. 584 of 1830, p. 12; and No. 50 of 1835, pp. 23-27).

† Compare *The Dutch Reformed Church and the Boers*, a pamphlet issued by the Revs. J. H. Hofmeyr, A. Moorrees, Andrew Murray, and others. We are there reminded that as early as 1658, Pieter van der Stael, the brother-in-law of Governor van Riebeeck, "opened a school for the instruction of the newly-imported slaves," and that not long afterwards it was recorded that he "had been zealous in trying to teach the Hottentots and slaves the Dutch language and the principles of Christianity" (p. 20). In more recent times the members of the Dutch Reformed Church have done more mission work than the local adherents of any other Church in South Africa.

other hand, was supported chiefly by enthusiasts in England, whose generosity was stimulated by the most harrowing tales of Dutch brutality and by panegyrics in praise of the natives.

These people in England were supplied with reports showing that the agents of the London Missionary and of kindred societies were baptizing hordes of blacks. But there was no one to urge upon their notice with similar interested persistence the result of investigations by British officials. For example, in a *Report upon the Hottentot Population of the Cape of Good Hope, and of the Missionary Institutions*, of July, 1830, an earlier report of 1809, by Major Collins,* is cited in regard to the work of Dr. Vanderkemp's institution, which, at the time of Major Collins' visit, had already been established for seven years. (No. 50 of 1835, p. 49.)

"After describing the miserable aspect and condition of the village . . . he [Major Collins] observed that there was no indication of any attempt to cultivate or to introduce any mechanical art, no change of habit or external appearance in the Hottentots." Out of the 600 persons then residing at the mission, there were "only 43 exercising any useful employment." Dr. Vanderkemp, continue the English (and strongly pro-missionary) Commissioners of 1830, "remained at Bethelsdorp [the name of this mission station] for some years, but without being able to effect any improvement in its condition" (No. 584 of 1830, p. 17).

Such mission work was based upon the theory that the blacks needed nothing but baptism to make them shining lights among men. The Colonists and the more sensible among the missionaries knew quite well that baptism was not sufficient, and that it would require more than one generation of education and training before the majority of natives could be given even a veneer of civilisation. They

* Major Collins' report is given in Blue Book No. 50, of 1835, pp. 34-51.

knew, of course, that there were exceptions to the rule; but they knew also that among the Hottentots, for example, "when the mother of a helpless infant died, the living child was buried with its parent, because no one would be at the trouble of nourishing it, and this was the customary method of ending its existence." They knew, again, that the South African Bushmen were even lower in the scale of civilisation than the Hottentots. Of the Bushman language it is stated that "in none of the dialects has any word for a numeral higher than three been discovered." Among them, "human life, even that of their nearest kindred, was sacrificed on the slightest provocation." *

These were the only natives with whom the early Dutch settlers came into contact, the Hottentots in most cases seeking the protection of the Dutch against the constant depredations of the Bushmen. The Kaffirs were invaders from the north, and did not appear upon the scene until Cape Colony had been occupied for over a hundred years.† They were in many respects the superiors of the Hottentots, but differed among themselves as widely as do the people of Europe—although at that time all of them shared two peculiarities: they were without exception the most inveterate cattle thieves, and they showed a supreme disregard for the distinction between truth and falsehood.‡

* Theal, vol. i. p. 194; vol. ii. pp. 191, 193 (first edition). It should not be supposed, however, that the Boers viewed the degradation of the Bushmen with indifference. Quite the reverse, for they had made heavy personal sacrifices in the hope of reforming them, as the Rev. Robert Moffat—after Livingstone, the best known of all the African missionaries—himself admitted. In his *Missionary Labours and Scenes in Southern Africa* (p. 4), he says: "Many of the farmers made strenuous efforts, and collected thousands of cattle and sheep, which they presented to the neighbouring Bushmen, hoping to induce them to settle, and live by breeding cattle; but these efforts always failed."

† For further information in regard to the character of the natives and their treatment by the early Cape Colonists, see *The Record*; or, *A Series of Official Papers relative to the Condition and Treatment of the Native Tribes of South Africa*, 1838, compiled and translated by Lieut. D. Moodie.

‡ In the *History of the Cape Colony*, by Messrs. Wilmot & Chase (p. 255), it is said that: "The humane Sir John Cradock describes the Kaffirs as 'a race of beings deaf to every reasonable proposal (however beneficial to themselves), and who only seemed to exist for the annoyance of their neighbours.'"

All of which, while providing ample scope for missionary effort of the right kind, made it impossible for the vast majority of Colonists, whether of English or of Dutch origin, to adopt the views of the Rev. Dr. Vanderkemp and his spiritual successors.

Circumstances did not tend to harmonise this conflict of opinion. On the contrary, as the missionaries lived with the natives, and in many cases adopted their habits and took native wives, it happened naturally that they felt called upon to justify the faith that was in them by unsparing criticism of those who did not think as they did; and as their only white neighbours, in those days, were Boers, who were obliged to be constantly on the watch against cattle-lifting, it followed that missionaries and farmers often disagreed, the missionaries as the indiscriminating champions of everything native, the farmers as believers in self- and in cattle-preservation and in law and order.

In 1811, the Rev. James Read, an assistant of Dr. Vanderkemp's, in a letter to the London Missionary Society, which was forwarded to the Secretary of State, declared that "upwards of one hundred murders [of natives by Boers] have been brought to our knowledge in this small part of the Colony" [the district of Uitenhage].* The Secretary of State, the Earl of Liverpool, thereupon instructed the Governor to have these terrible allegations thoroughly investigated, and to see that "exemplary punishment" was inflicted upon the perpetrators of any outrages.†

There followed what is still known in South Africa as "The Black Circuit." Mr. Read tried in vain to substantiate his charges. Every story of cruelty for years past was raked up; over a thousand witnesses were summoned;

* *Records*, vol. iii. p. 126.

† *Ibid.*, vol. viii. p. 133. The Rev. Mr. Read's letter was dated January 9, 1811; the Earl of Liverpool's to Sir John Cradock, August 9th of the same year.

the whole Colony was put into a state of commotion : and, in the end, "upwards of one hundred murders" were resolved into the indictment for murder of fifteen men and two women, against whom, said Judge Cloete, of Cape Colony, "not one single instance of murder was proved."*

But the mischief had been done. As Mr. Theal says : "It was of no use telling the people that the trials had shown the missionaries to have been the dupes of idle storytellers." The Black Circuit was the culmination of years of slander, and the Boers, who knew that the missionaries had immense influence in England while they had none, foresaw the recurrence of similar treatment. And they foresaw rightly, as it turned out ; for in 1812 the Colony had been invaded by Kaffirs, and soon afterwards it was asserted loudly in England that the frontier farmers had cruelly ill-used the invaders both before and during the war. So another inquiry was called for, and in 1813, when Sir John Cradock, the Governor, made a tour of inspection, he carefully investigated these accusations, and, on his return to Cape Town, published his verdict by "Government Advertisement" in the *Gazette* (January 7, 1814) :

'His Excellency the Governor has had the further satisfaction to approve of the good and unoffending conduct of the inhabitants of the frontiers towards the Kaffir tribes, the faithless and unrelenting disturbers of the peace and prosperity of this Colony.' †

* Cloete, p. 11. Judge Henry Cloete, LL.D., although not prejudiced against the Boers, was both a devoted personal friend of Sir George Napier's and an ardent supporter of the British Government. He was sent as Special Commissioner to Natal to superintend the overthrow of the Boer Republic (see *infra*, Chapter IV.).

† *Proclamations, etc.*, p. 273. A later Governor, Sir Bartle Frere, who was certainly no friend of the Boers, in a despatch to the Secretary of State dated August 25, 1879, dealing with a letter from the Secretary of the Aborigines Protection Society, remarked : "It has been for many years the fashion to speak of the Dutch Colonists as harsh masters of native labourers, and generally unfeeling in their relations with the natives. . . . As far as my observation goes, the treatment of native labourers by their Dutch masters is at least as well calculated to ensure their comfort, well-being, and their gradual improvement in all respects as anything I have witnessed elsewhere" (C. 2482, p. 212). And see *infra*, footnote on p. 43.

Even this did not check the flood of malignant slander. It was the fate of the Boers to be "Boers," in any case not to be English, and then, as now, it was easier for people in England to believe whatever confirmed their preconceived prejudices than to sift evidence and to probe for facts. In 1828 the Rev. Dr. Philip, who carried on the cause and the mission of Dr. Vanderkemp—

'Published a work in two volumes entitled *Researches in South Africa*, with the object of showing that the Hottentots and other coloured people in the Colony were ordinarily subject to most unjust treatment. The book puts forth as facts mere theories concerning the Bushman race which are now known to be incorrect, the account given in it of a great commando against the Bushmen in 1774 was proved to be imaginative by Lieutenant Moodie's publication of the original documents from which it was professedly drawn, a strict investigation made by order of the Imperial Government into some of its charges showed them to be baseless, and the judges of the Supreme Court pronounced others libellous, yet so entirely did the work accord with the prejudices of a large class of people in England that it was received with great favour, and for many years was regarded as authoritative.'*

English Commissioners were appointed by the Imperial Government to investigate the matter, and although, as already remarked (see *supra*, p. 26), their sympathies were strongly pro-missionary, they declared without qualification of any kind in their Report that:—

'They [the Hottentots] are found to prefer the service of the Cape Boers to that of the English settlers.'†

Certainly the Imperial Government of the day, when ordering an inquiry, had expected a different result; but inquiry, in any case, was a more honest course than unquestioning and wholesale endorsement, which seems to be the modern official method of receiving books con-

* Thsal, vol. iii. p. 429. And see the supplement to Lieut. Moodie's *Record*, entitled *Results of the Publications*, pp. 1-48.

† No. 584 of 1830, p. 6.

ceived in the spirit of Philip's *Researches*. The earlier agreed with the recent practice, however, in this respect—the opinions of partisans such as Dr. Philip were acted upon, even though, at that time, the statements contained in their books were made the subject of academic scrutiny. It is not surprising, therefore, that life was made well-nigh intolerable for the Dutch farmers. They were subject to endless annoyances: to regulations, drawn up in London, to which it was impossible to conform; to suspicion and to slander which it was useless to refute; to constant cattle-raiding by the Kaffirs which they were not allowed effectually to resist.

At last, in December, 1834, a raid by some fifteen to twenty thousand Kaffir warriors, in which a number of farmers were murdered and an immense amount of property was destroyed,* compelled the Governor, Major-General Sir Benjamin D'Urban, to take active steps for the protection of the Colony. He called upon the burghers to assist the few troops at his disposal, and after eight months' hard fighting, during which many Dutch Colonists lost their lives, he succeeded in driving the Kaffirs across the border and in compelling them to accept terms that seemed likely to ensure peace in the future.

The dismay in South Africa can be imagined when, as soon as the result of the war was known in England, Lord Glenelg, the Secretary of State, at the instigation of Dr. Philip, of the London Missionary Society, not only expressed his disapproval of Sir Benjamin D'Urban's procedure, subsequently recalling him, but insisted upon a disastrous revision of the terms of peace: the dense jungles along the

* Judge Cloete (p. 71) gives the damage done by this raid as 456 farmhouses totally destroyed; 350 others partly pillaged and gutted; 5,715 horses, 111,930 head of horned cattle, 161,930 sheep taken and irrecoverably lost,—“and by which,” in the words of Sir Benjamin D'Urban's despatch to the Secretary of State (June 9, 1836), “7,000 of His Majesty's subjects were, in one week, driven to utter destitution” (No. 503 of 1837, p. 69).

Fish River, until then a part of the Colony, were to be given to the Kaffirs, who would thus hold the unfortunate border-farmers absolutely at their mercy.* The Governor was not only indignant, but in his acknowledgment of these instructions showed himself frankly contemptuous. Writing on March 23, 1836, to the Secretary of State, he said :

It is my duty to obey the commands which your Lordship has conveyed to me, and I shall endeavour to do so with as little mischief to the Colony and to all concerned as may be compatible with that obedience . . . ' (No. 503 of 1837, p. 19).

Writing on another occasion to the same noble lord he said (June 9, 1836):

'Your Lordship in England may be, and I cannot doubt is, disposed to regard with coolness and tranquillity the fate of the unfortunate inhabitants of this Colony, and to think lightly of the dangers to which it is exposed from the savages upon its borders' (No. 503, p. 63).

And to the last, in spite of the Secretary of State's disapproval, and as a direct challenge of the dismissal which he must have known such language would provoke, he referred pointedly to the border-farmers as "his Majesty's unoffending and greatly suffering subjects." †

* The despatch of the Secretary of State, dated December 26, 1835, disapproving of Sir B. D'Urban's procedure, is given in No. 279, 1836, pp. 59-73; the despatch dated May 1, 1837, finally reversing the terms of peace and dismissing the Governor, is given in No. 503 of 1837, pp. 269-278.

† No. 503, p. 295.

CHAPTER III

THE ABOLITION OF SLAVERY : 1826-1834

SIR BENJAMIN D'URBAN, who described those of the Boers who were leaving the Colony as "the flower of the frontier farmers" (No. 424 of 1851, p. 24), and as "a brave, patient, industrious, orderly, and religious people, the cultivators, the defenders, and the tax contributors of the country," attributed the Great Trek to the "insecurity of life and property occasioned by the recent measures, inadequate compensation for the loss of the slaves, and despair of obtaining recompense for the ruinous losses by the Kaffir invasion."* Of these causes, the chief was undoubtedly the ill-treatment of the Boers in connection with the natives.

The London *Times*, of January 12, 1839, referring to the news from the Cape, said that in view of the continued Kaffir depredations, and of the "state of insecurity and want of protection for property, more or less also affecting the safety of persons"; and seeing that "no, or inadequate, means of prevention or defence is taken by the authorities"—

'It is evident that the Colonists must find themselves aggrieved and lose all confidence in the Government. In the shape of direct or indirect

* Sir Benjamin D'Urban to the Secretary of State, in a despatch dated July 29, 1837, quoted by Theal, vol iv. p. 170.

taxation, protection is paid for and should not be withheld. It was to the distrust thus created towards the Government that the emigration of the Boers or farmers to Port Natal was owing, as, upon calculation, they felt or conceived themselves more secure in relying upon their own individual strength as a body to repel the inroads or depredations of the native tribes than in trusting to the authorities charged with and paid for the duty. But, in order not to be interfered with or shackled in their determination by the local government, they found it necessary and considered it more advantageous even to submit to the severe losses consequent on abandoning cultivated farms and constructed dwellings for waste lands in an unknown wilderness by way of withdrawing themselves both from the jurisdiction and the burden of supporting local government.'

It is true, however, as Sir Benjamin D'Urban said, that "inadequate compensation for the loss of the slaves," or, rather, the *manner* in which slavery was abolished in the Colony, did strengthen the determination of the Boers to escape from British rule. The statement still made by some of their adversaries that the exodus was due to the *abolition* of slavery, and to the desire of the farmers to re-establish it elsewhere, is, however, utterly false.* The figures are conclusive. Ninety-eight per cent. of those who left the Colony between 1836 and 1839 were from the Graaff-Reinet, Uitenhage, and other frontier districts, while only 16 per cent. of all the slaves in the Colony were owned in those districts. The remaining 2 per cent. of the emigrants went

* When this is not asserted openly, it is often insinuated in a way that makes the accusation even less honest than if it were in the form of a direct misstatement. Thus, the author of *The Transvaal Trouble*, in an extravagantly garbled retrospect of South African history, ignoring the events (including Slachter's Nek and the Black Circuit) referred to in the preceding pages, remarks that "after the Colony came under the British Government, some small grievances arose on ecclesiastical questions, but no serious breach of harmony occurred between governors and governed till after the passing of the Negro Emancipation Act of 1834"—with another page of insinuation to the same effect, leaving the impression, of course, that it was the passing of that Act that first made the Boers discontented with British rule. In excuse for the omissions it may be pleaded that lack of space made it impossible to mention the more serious grievances and the very real "breaches of harmony"; but in that case, if it were not done in order to create a false impression, why mention a momentary grievance of minor importance, and why, above all, deny that any serious breach of harmony occurred?

from districts in which 28 per cent. of the slaves were to be found; and from the Cape peninsula and Stellenbosch districts, in which 56 per cent. of all the slaves were owned, there was practically no emigration at all.

"Every one desired the total extinction of slavery upon reasonable terms," says Mr. Theal, "but there was much diversity of view as to the manner in which it could best be effected." "There never was an attempt in South Africa to defend the system in theory" (Theal, vol. iv. pp. 67, 63).

Nor was there the least desire on the part of the Boers who trekked from British territory to introduce slavery where they settled. As was stated subsequently in a letter to Sir George Napier from their Volksraad (Parliament) in Natal: "A long and sad experience has sufficiently convinced us of the injury, loss, and dearness of slave labour, so that neither slavery nor the slave trade will ever be permitted among us."* Indeed, one of the first acts of the emigrants, as early as 1837, had been to declare that slavery in any shape or form was illegal.† And when Sir Harry Smith, as Governor of Cape Colony, travelled in 1848 from Cape Town to Natal, he reported to the Secretary of State:

'I am happy to say that throughout my journey among the emigrants I saw no appearance of slaves—much less any traffic in them—which has been erroneously alleged to exist. On the contrary, their farm-servants are few, and constantly being changed, their sons performing all menial offices. The Boers and natives, as far as my observation went, are everywhere on the best terms.'‡

Further, the Dutch, instead of being solely responsible for

* In reply to a Proclamation by Sir George Napier dated November 14, 1838, See Bird, vol. i. p. 421; and Stuart, p. 103.

† *Address to the Members of the Anti-Slavery and Aborigines' Protection Societies upon the Native Question*, by the Transvaal Deputation (1883), p. 10.

‡ In a despatch dated February 10, 1848, in No. 980 of 1848, p. 212.

the existence of slavery in South Africa, had done much more than the British to discourage it.*

‘From 1796 to 1802 [the period of the first British occupation] more [slaves] were imported than at any period of equal length before or since.’

‘Under the short Dutch administration from 1803 to 1805 measures were contemplated for putting an end to slavery. . . . As early as April 11, 1803, it was made known in the *Gazette* that until further notice the Government would not grant permission to import cargoes of slaves, and in point of fact it never did. . . . There can be no doubt whatever that if the Batavian Government had remained in possession of the colony a couple of years longer every child born thereafter would have been declared free.’ †

Nor were the statements circulated by interested persons, to the effect that the Dutch farmers made slavery peculiarly onerous, in the least degree warranted by the facts.

On this point Mr. Lucas says :

‘It is pleasant, too, to record that slaves in South Africa were on the whole treated with comparative kindness’ (vol. iv. p. 61).

According to Mr. Theal :

‘With regard to the treatment of slaves in South Africa, all observers whose opinion is worthy of respect were agreed that in no other part of the world did bondage sit so lightly. . . . All the English governors and officials of position who reported upon the subject were agreed in this. Their statements might be condensed into a sentence used by Lord Charles Somerset in a despatch to Earl Bathurst : “No portion of the community is better off, or happier perhaps, than the domestic slave in South Africa.”’ ‡

* According to Messrs. Wilmot and Chase, “the first slaves were brought [to the Cape] by the English”; that is to say, by English slave-dealers (*History of the Colony of the Cape of Good Hope*, footnote to p. 114).

† Theal, vol. iv. pp. 61, 62.

‡ Theal, vol. iv. p. 62. This statement was made by Lord Charles Somerset, not in a despatch to Earl Bathurst, but in a Memorandum addressed to J. T. Bigge and Major Colebrooke, who were acting as Commissioners of Inquiry into the affairs of Cape Colony. The Memorandum was enclosed in a letter dated September 18, 1824 (*Records*, vol. xviii. p. 310).

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An extraordinary sentence, it is true, and the responsibility for it must rest with Lord Charles Somerset, its author. But in any case, that slaves were treated better in Cape Colony than in certain other British possessions, such as the West Indies, may be inferred from the fact that in the days of Dutch rule "nearly every one believed it his duty to have his slave children baptized, and hence those who were born in this Colony usually became free," for the reason that no one who professed Christianity, and could speak the language of the country, could be retained in slavery (Theal, vol. i. p. 268).

'Emancipation, indeed, became so common, that it was found necessary to lay down more than once that no slave should be set free without adequate security being given that he would not become a charge upon the public funds' (Lucas, vol. iv. p. 61).

Naturally, where the Boers were concerned, facts had much less weight than racial prejudice. So in England the Dutch farmers were always accused of atrocious cruelty to their slaves, allegations to this effect being used freely in order to obtain support for the Emancipation Act. This Act was signed on August 28, 1833.

Some years earlier, in 1826, there had been a meeting of the slave-holders of the district of Graaff-Reinet, at which "a resolution was unanimously adopted that in their opinion after a date to be fixed by Government all female children should be free at birth, in order that slavery might gradually cease." Another proposal was carried by a majority, that all male children born after the same date should be free; and these resolutions were "generally accepted throughout the Colony as a reasonable basis for the extinction of slavery." * But the plan did not meet with the approval

* Theal, vol. iv. p. 68. Judge Cloete (p. 44), in this connection, shows that if the plan for abolishing slavery, suggested by the slave-holders in Cape Colony, had been adopted,—“gradually and imperceptibly, slavery would have ceased to exist in nine or ten years, at a sacrifice to Great Britain of some £70,000 or £80,000 [only], paid out in a series of years.”

of the British Government, so, after considering the matter for many years, the members of the Imperial Parliament, with stories of Boer atrocities ringing in their ears, made up their minds to remove the growth of centuries in a day, "surgically." They at once voted twenty million pounds to compensate the owners in the nineteen slave colonies belonging to Great Britain, and declared, in the Act referred to, that after a certain date (December 1, 1834, in Cape Colony), slavery was to be abolished.

It was claimed by the Abolitionists that Great Britain was not confiscating property, but was making an immense sacrifice in order to pay full compensation for the value of the slaves to be released. In Cape Colony, therefore, full compensation was expected. It was also supposed that, in view of the sudden liberation of thousands of coloured people without means of support, a Vagrant Act would be passed for the protection of the white inhabitants. So the slave-owners looked forward to the day of emancipation with perfect serenity.

Unfortunately, neither of these expectations was realised.

In the first place, the value of the slaves in Cape Colony had been appraised by officials of the British Government at £3,041,290; and yet, out of the £20,000,000 that had been voted for compensation, only £1,247,401 was awarded to the Cape.

When this intelligence reached South Africa, it "created a panic greater than any ever known" there before. "Succeeding mails brought information that the Imperial Government would not send the money to South Africa, but that *each claim would have to be proved before commissioners in London*, when the amount apportioned would be paid in three and a half per cent. stock." * What this

* Theal, vol. iv. p. 77. This statement is so extraordinary that it seems advisable to add that no one who has inquired into its truth has disputed it (*cf.* Bryden and Cappon).

meant is difficult to realise to-day, for in 1835 the Cape was a small and a poor community, and the sudden confiscation of two million pounds' worth of property occasioned real misery. A large proportion of the slaves had been mortgaged, and the bonds invariably covered all other possessions. The redemption of the bonds made it necessary to sell effects of all kinds at an enormous loss. Consequently, as in many cases slaves had been the only possession of widows and orphans, or of the old and feeble, numbers of such people were reduced to absolute destitution.*

In the second place, to add to the confusion, the authorities in England, through the misleading representations of Dr. Philip and other missionaries, refused their consent to a Vagrant Act; so the Colony was overrun by ex-slaves, who plundered the farmers everywhere.

After such treatment as this, taken in conjunction with that which they experienced where the natives were concerned—which was by far the stronger irritant of the two—it is not surprising that many Boer families preferred to face the lions and savages of the wilderness to the north, rather than remain the victims of the unenlightened despotism of British Secretaries of State. Certain minor but long-standing grievances strengthened their determination to leave the Colony. Not one of the promises made to them had been kept. Just as the terms of General Craig's proclamation in 1795 had been violated, so again the written undertaking that "the burghers and inhabitants shall preserve all their rights and privileges," obtained by General Janssens in 1806, at the time of the second capitulation, had been treated as so much waste paper.

Within a few weeks after that undertaking had been signed, the British General in command issued a Proclamation (May 16, 1806) declaring that :

* Judge Cloete (p. 47) says that in his own case, for a slave for which he had frequently refused £500, he received ultimately in compensation only £48.

‘In consequence of the delay and inconvenience that frequently occurs in the dispatch of the Public Business in this Settlement, owing to Letters and Official Papers being delivered to the Lieut.-General Commanding in Chief, in the Dutch Language, His Excellency has thought proper to direct that for the future no Letters, Memorials, or any Official Papers will be received either at the Government House, or at the Colonial Secretary’s Office, that are not accompanied by a Translation in the English Language’ (*Proclamations*, p. 25).

For such translations the Dutch, of course, had to pay, and although the inhabitants of the “Country Districts” were exempted from the general rule, the townspeople in any case resented the arbitrariness of a proceeding which made them foreigners in the land of their birth.

A further step in the direction of violating the “rights and privileges” which had been guaranteed, was taken in 1813, when the Governor announced that he would “consider himself obliged in all future appointments [to Public Offices] . . . to make the possession of the English Language an indispensable condition” (*Proclamations*, p. 232).

Next, in 1822, after the cession of the Cape, in spite of the fact that the Dutch-speaking inhabitants still outnumbered the British by about eight to one, Lord Charles Somerset proclaimed “that the English language be exclusively used in all Judicial Acts and Proceedings, either in the Supreme or Inferior Courts of this Colony, from the 1st day of January, of the Year of our Lord, 1827” (*Proclamations*, p. 559). This debarred the Dutch farmers from serving on juries, and was naturally understood by them as a direct attack on their liberties.

‘Not long after this, in 1827–28, the district revenues were transferred to the Colonial Treasury, and the Government took upon itself all the obligations of the boards of landdrost and heemraden [Local Boards with certain judicial powers]. Even the burgher Senate was abolished [the members of which, as was admitted by the British Commissioners of Inquiry in 1826, “have been recognised by the Government and regarded by the inhabitants of Cape Town, as the organs of any general representa-

tion of their grievances" *], its revenues were diverted to the Treasury, and the Government thereafter carried out municipal duties in Cape Town' (Theal, vol. iii. p. 417).

It had been measures such as these that had first led the Boers to look for some way of escape from British authority. They knew that emigration would involve incalculable sacrifices, so they were slow to adopt such a course. But the events of 1834, and the action of the Secretary of State after the Kaffir invasion of 1835, made any sacrifice seem preferable to a tyranny that was doubly exasperating for being both constant in its action and uncertain in its direction.

The result was that "many thousands of substantial burghers," who still had the means to move—and many had not, for the compensation promised them for their losses by the invasion was never paid—decided to trek, with their wives and children, and to seek new homes and liberty.†

* No. 282 of 1827, p. 28.

† So anxious were they to escape from British rule that they sold their farms in the Colony for anything they would fetch, in some cases exchanging them for nothing more than a waggon in which to remove their families.

CHAPTER IV

THE GREAT TREK AND THE OVERTHROW OF THE NATAL REPUBLIC: 1836-1848

“A BRAVE, patient, industrious, orderly, and religious people, the cultivators, the defenders, and the tax contributors of the country,” “the flower of the frontier farmers,” such, as already quoted, was Governor Sir Benjamin D’Urban’s description of the Boers who were leaving the Colony.

Only a few of the emigrants spoke English. Their language, says Mr. Theal, was “a dialect which our great Alfred would have understood without much difficulty, which is nearer to the language of the men who fought under Harold at Senlac than is the English tongue of to-day” (vol. iv. p. 265). Their religion was that of most Scotchmen and of many Englishmen, for they were Calvinists.

It is not necessary to dilate upon the story of their sufferings as they journeyed through the wilderness to what they came to regard as their promised land. Hundreds of them died of fever; hundreds more suffered death at the hands of Kaffirs—not domesticated Kaffirs, but marauding bands who as readily pillaged and murdered the few surviving natives as they pillaged and murdered white men. Lions abounded in such numbers that a small party of the emigrants, in a few months, killed two hundred and forty-nine in the neighbourhood of Thaba Ntshu alone. Many a farmer lost his life when defending himself against them.

From one or another of these causes the mortality among the earlier emigrants was so great that of the first party of ninety-eight, all but twenty-six perished. And yet, during the twenty years following their departure from the Cape, what they suffered from wild beasts and savages and from fever was more endurable than their treatment by the British Government.

First, however, it is necessary to review briefly the dealings of "these misrepresented men" (as a Governor of Natal called them*) with the natives. On this point they have been persistently maligned, so much so that, in 1881, when defending his own policy, Mr. Chamberlain felt called upon to defend them also. Addressing the House of Commons (July 25th), he said:

'[Some hon. Members] appeared to be under the impression that the Boers in the Transvaal were fierce and unjust aggressors, and that they dispossessed the natives of their territory and brutally ill-treated them afterwards. He wished hon. Members would read the Papers before they came to this rash and inconsiderate conclusion. The absolute reverse of that was the fact.' †

* Sir Benjamin Pine in a despatch to the Secretary of State, dated September 28, 1852 (No. 1697 of 1853).

† Hansard's *Parliamentary Debates*, vol. cclxiii. p. 1828.

On the other hand, still seeing facts as his policy dictated—and he had changed his policy violently—Mr. Chamberlain, speaking in the House of Commons on October 19, 1899, said: "The treatment of the natives of the Transvaal has been disgraceful. (Hear, hear.) It has been brutal. It has been unworthy of a civilised Power. (Cheers.) . . . We have heard a good deal about the Great Trek. I do not know where the hon. gentlemen who talk about the Great Trek have got their information; but it differs very much from mine. It was caused mainly and chiefly—you can prove it from the Boers' own language [!]¹—it was because, to use a vulgar phrase, they wanted to 'wallop their own niggers.' (Cheers.)"—*London Daily News*, October 20, 1899.

But again, on the other hand, and still under the influence of his policy, which again was a different one, Mr. Chamberlain, speaking in the House of Commons on March 19, 1903, after his return from South Africa, said: "We have been led, probably the majority in this House were led, by statements which were made, to believe that the treatment of the native by the Boer was very bad; and in that belief we expressed the hope that when the war came to an end we should be able to improve it. Now the war itself is evidence

On leaving Cape Colony the emigrant Boers first settled in what became subsequently the Orange Free State. On December 2, 1836, they elected a Volksraad of seven members. By June, 1837, there were more than a thousand waggons between the Orange and Vaal Rivers, and some four or five hundred armed men could be mustered. A large party under Commandant Potgieter purchased the land lying between the Vet and the Vaal Rivers from a native chief, and it is worthy of note that one of the conditions of sale was that the natives who sold the territory were to be protected by the Boers from the attacks of the Matabele.*

The Matabele were not natives of this part of Africa. They were an off-shoot of the Zulus, and the Zulus were invaders from the north, whose headquarters were in the neighbourhood of Natal. When the Matabele, under Moselekatse, separated from their parent tribe, they overran the greater part of the country known later as the Transvaal, and about half of the Orange Free State, slaughtering thousands of natives and making off with all the cattle they could find. They did not occupy the territory they devastated, contenting themselves with pillage. The Zulus attacked them, and they, in their turn, attacked every tribe with which they came in contact. In the same way and for the same purpose, after the Boers had settled in the district between the

that this charge against the Boers was exaggerated. (Opposition cheers.) I freely make that admission. If it had not been exaggerated it is impossible to believe that the Boers could, as I know they did in hundreds and thousands of cases, leave their wives and children and property and stock in the care of the few natives they had had previously on their farms. . . . *They [the Boers] seem somehow or other to have understood the native character. They have not been regarded on the whole as hard or severe masters by the natives, and no great amount of ill-feeling has ever sprung up between them.*"—*London Times*, March 20, 1903.

* Theal, vol. iv. p. 275; and Lucas, vol. iv. p. 196. It was as one of Potgieter's party that Paul Krüger, the future President of the South African Republic, then a boy of ten, took part in the Great Trek.

Vaal and Vet Rivers, the Matabele attacked them. But the Boers were able to defend themselves, and after a prolonged struggle succeeded in driving the invaders far north of the Limpopo, to the immense relief of the few remaining aborigines. Commandant Potgieter then issued a proclamation declaring that the whole of the territory which the Matabele had laid waste would thereafter be held by the emigrants. "This immense tract of country was then almost uninhabited, and must have remained so if the Matabele had not been driven out" (Theal, vol. iv. p. 294).

Shortly before the final success of the Boers against this tribe, Pieter Retief, one of the leading emigrants, had visited the chief of the Zulus in order to make inquiries concerning Natal, the greater part of which also had been all but depopulated as the result of Zulu raids. At the port of Durban Retief found a small settlement of about thirty Englishmen, most of whom were elephant hunters. They had no government of their own, and were living under the precarious protection of the Zulu chief, from whom they were frequently obliged to hide themselves for safety. (Russell, p. 134.) This chief, Dingaan by name, had murdered his brother Tshaka in 1828, and had in that way become the ruler of his people.

"The residents of Durban were greatly pleased on hearing that it was the desire of the emigrants to settle in their neighbourhood. They presented an address of welcome to Mr. Retief, and did all that was in their power to assist him" (Theal, vol. iv. p. 314). Dingaan also showed every sign of friendliness, and entered into a preliminary agreement with the Boer leader to sell a strip of Natal to him and his followers. Retief then returned to his friends near the Vet River, and, having fulfilled his part of the contract by recapturing some cattle, stolen from Dingaan, which the latter asked in payment for the land,

he once more set out for Natal, accompanied this time by a large body of emigrants.

In order to complete the bargain, Retief, with about sixty of the farmers and one Englishman, next proceeded to Dingaan's camp in Zululand. They were well received, and, at the chief's request, on February 4, 1838, an English missionary drew up a document transferring to the emigrants in perpetuity "the place called Port Natal, together with all the land annexed, that is to say, from Tugela to the Umzimvubu River westward, and from the sea to the north, as far as the land may be useful and in my possession."*

Two days after Dingaan had put his mark to this document, and had given it to Retief, the little band of white men paid the chief a farewell visit. They were invited to leave their weapons outside his Kraal (camp), as it was contrary to Zulu etiquette to carry arms within the royal enclosure. With this request they complied, the result being that a few moments after they had seated themselves in Dingaan's presence, he gave the word of command and every one of them was murdered. The missionary, Mr. Owen, who had witnessed the scene from the door of his hut, took the first opportunity to escape to the coast.†

As soon as Retief and his companions had been disposed of, some ten thousand Zulu warriors marched on the unsuspecting emigrants who had remained encamped along the lower stretches of Natal, in the vicinity of the present village of Weenen ("weeping"), which received its name from the events of that day. Forty-one men, fifty-six women, one hundred and eighty-five children, and about

* Bird, vol. i. p. 366. This document, of which a *fac simile* is given on the opposite page, was found intact in a wallet on Retief's body when the Boers occupied Dingaan's Kraal on December 21, 1838. In after years it was kept with the wallet among the archives of the South African Republic.

† Bird, vol. i. pp. 338-359. Several American missionaries, who had been working among the Zulus since 1834, found it necessary to follow Mr. Owens' example.

Banking hours
The 4th February 1838

For their ever increasing property.

Je met ^{Mr. D. D. D.} vande
Koning Dingen

Mr. D. D. D.

Mr. D. D. D.

Mr. D. D. D.

Mr. D. D. D.

Mr. D. D. D.

Mr. D. D. D.

Mr. D. D. D.

Mr. D. D. D.

Verhooren dat deede onverschroomde
ontwaakt is gevonden door onverschroomde
heerlicheit by de geboorte van myn
den jaer: 1772 in d'inschrijving
op den 25^{de} dag van September 1772
in een beoelde tijtich in dien oet

two hundred and fifty coloured servants were taken by surprise and murdered. The rest managed to form their ox-waggon into laagers just in time to repel the attacking Zulus.*

When news of the tragedy reached the emigrants who had not followed Retief to Natal, a number of them, under the leadership of Commandant Potgieter, at once started to the aid of their countrymen. Vigorous measures were then adopted, but at first proved unsuccessful. Ten months elapsed before any decisive victory was gained over the Zulus. By this time Commandant Potgieter and his followers had left Natal, recrossing the Drakensberg and founding the present town of Potchefstroom in the Transvaal. This loss, however, had been counterbalanced by the arrival of a man of considerable wealth and of the highest character, Andries W. J. Pretorius, with a large party from the district of Graaff-Reinet.

It was after the election of Pretorius as Commandant-

* It was asserted at the time, in letters from Boers to their friends in Cape Colony, that Dingaan's action was instigated by one or more Englishmen living at Port Natal (compare Bird, vol. i. pp. 241, 369, and 370). Such a serious charge, if made only by the Dutch, might by some people be attributed to racial prejudice. But it is not so easy to dispose of a letter, dated July 20, 1838, written by Mr. Edward Parker during a visit to Port Natal, and addressed to Major Charters, Sir George Napier's military secretary. It is to be found in Blue Book No. 424, of 1851, p. 36, and is here given with all possible reserve. Mr. Parker wrote: "The farmers declare they should never have made war upon Dingaan, had he not murdered Retief and party, which it is now clearly ascertained was caused by the treachery of an Englishman named Cane, one of the old settlers of Natal, and killed in the last commando against Dingaan. It appears that the man Cane, afraid, after Dingaan's favourable reception of Retief, and on his first visit, lest the farmers should settle at Natal, sent a message to Dingaan, after Retief had left his kraal, telling the Zulu king that the Boers had run away from the Colony against the wishes of the English Government, and that they [the Boers] intended to drive him from his country, and that he need not be under any fear of the English, as they would not assist the Boers; this message was sufficient to arouse the fears of a savage, and the consequence was the cold-blooded murder of Retief and party. How this came to the knowledge of the Boers in the first instance, I cannot ascertain; but a clerk of Mr. Maynard's, named Toohey, now asserts that Cane told him he did send such a message." The writer then states: "The English settlers have been here sixteen years, and, with the exception of the missionary establishments, there are not three houses in the whole country. The English settlers have been living with the Kaffirs, and as Kaffirs."

General that some four hundred and fifty burghers took the field against Dingaan (December, 1838). Peace, not conquest, being the aim of the Boers, messages were twice sent to the Zulu chief "to inform him that if he would return to us the horses and guns which he had taken from our people, we should be willing to enter into negotiations for peace"; as Pretorius wrote to some friends a few days later.* Dingaan, however, had a different object in view. Instead of restoring the stolen property, he met the overtures of Pretorius with an army of from ten to twelve thousand of his trained fighting men, bent on further plunder. This army was utterly routed on December 16th,† near the banks of a stream since known as the Blood River. On the following day the commando moved to Dingaan's capital, Umgungundhlovu, which he had already evacuated and burned.

The Zulu chief still had a considerable force at his disposal, however, and was not subdued finally until January, 1840. A number of his own people had by then turned against him, making common cause with the emigrants. Dingaan's elder brother, Panda (the father of Cetywayo) had headed the rebellion. A battle was fought in the course of which, at a critical moment, Panda's men raised the cry, "The Boers are coming!" and this, it is said, decided the fortunes of the day in their favour (Theal, vol. iv. p. 344). The Boers vigorously followed up Panda's success, and drove Dingaan with the remnant of his army far beyond the borders of Natal.

'On the 10th of February Mr. Pretorius formerly installed Panda as chief of the Zulus, but in vassalage to the Volksraad, to which he pro-

* Bird, vol. i. p. 453, quoting Pretorius' letter.

† December 16th, since then known as "Dingaan's Day," thereafter came to be celebrated by the Transvaal Boers as a day of thanksgiving and as a national holiday.

mised fidelity. It was arranged that he should remove his followers to the northern side of the Tugela, and that the ground on which he was to reside should be an appanage of the Republic of Natal. To this end, on the 14th of February, 1840, Mr. Pretorius issued a proclamation in the name of the Volksraad, taking possession of the land between the Tugela and Black Umvolosi Rivers from the Drakensberg to the sea, and declaring St. Lucia Bay and the coast southward to the mouth of the Umzimvubu to belong to the emigrants.*

Some time previously, in May, 1838, the emigrants, through their representative, Mr. Landman, "with the concurrence of the few remaining Englishmen at Durban [most of the English settlers had been killed during the struggle with Dingaan], issued a proclamation taking possession of the Port in the name of the 'Association of South African Emigrants'" (Theal, vol. iv. p. 328). But since then the "Republic of Natal" had been constituted formally, with the town of Pietermaritzburg as its capital.

By this time the number of emigrants had increased so greatly that, without counting the organised communities in Natal and in the districts of Potchefstroom and the Vet River (Winburg), which included the large majority of the people, there were some ten thousand persons scattered throughout the country to the north of the Orange River. Although they had been obliged to leave most of their property behind them, and had had to suffer cruelly in the course of establishing themselves in new homes, they felt that the result justified their sacrifice. They were free. In addition to that, in less than four years they had freed South Africa from its merciless ravagers, the Matabele and the Zulus.

But now (considering Natal first), as soon as it became known in England that the emigrants had managed to subdue the Zulus and that Natal had thus been made

* Theal, vol. iv. p. 345; and see Cloete, p. 108, and Bird, vol. i. p. 389, for the exact terms of Pretorius' proclamation.

habitable, the British Government took steps to seize what the Boers had gained. Previously to this it had been supposed that they would be driven out without the armed intervention of Great Britain, although, at a time when they had been fighting for their lives and for the lives of their women and children against the Zulus, every possible effort had been made to increase the difficulties of their position.

Many years afterward, Sir Bartle Frere, as Governor of Cape Colony, sent to the Secretary of State, for his information, a Memorandum by the Hon. R. Southey, C.M.G., including a translation of *A Chapter from the History of Natal* which appeared in the *Zuid Afrikaan* newspaper of February 12, 1879. In his Memorandum Mr. Southey states that "all that is alleged in the article as to his [Sir George Napier's] doings is correct," and as particulars are given which seem to have escaped the notice of English historians, the article may be quoted with advantage here.*

Speaking of these efforts to increase the difficulties of the Boers' position, when they had most needed help, the writer mentions a proclamation issued by Sir George Napier, the Governor of Cape Colony, on the 6th of September, 1838, the object of which was "to deprive the Boers of the opportunity of obtaining gunpowder and lead for opposing Dingaan, and to forbid that any gunpowder from any private magazine should be issued or sent to them." He then proceeds:—

'As if this were not sufficient, it was followed four days afterwards by a second proclamation. Some Colonial friends had opened a subscription list for the purpose of sending some necessaries of life to the distressed Boers. His Excellency the Governor then proclaimed, on the 10th of September, 1838: "That during a limited period the exportation of all goods and articles whatsoever from any harbour of the Colony to

* Blue Book, C. 2367, pp. 19-22. Mr. Southey is again referred to on pp. 121 and 157, *infra*.

any harbour or spot between the Great Fish River and Delagoa Bay" should be forbidden. It was this proclamation which drew even from the London *Times* a disapproving voice and caused that paper to write on the 12th of January, 1839:—*

"Papers from the Cape of Good Hope have been received to the 18th November. As on former occasions, they are mainly occupied with accounts of Kaffir depredations and the situation of the emigrant Boers at Port Natal. The conduct of the Local Government in regard to these unfortunate parties appears to be unnecessarily harsh, for although it was known that they had suffered the greatest disasters from the sanguinary attacks of the Zulus, and that besides they had lost a great part of their stores, whilst most of their cattle which had escaped capture had perished from disease, caused by want of food, yet notwithstanding a proclamation was issued by which the shipment or export of any goods or articles, of whatever nature, to Port Natal has been prohibited until further notice.† This would, of course, put a stop to the continuance of those succours which were before afforded through the means of charitable subscriptions among the inhabitants. The provisions, clothing, and other stores so sent had, it is known, proved a very seasonable, though partial relief only, to the distressed emigrants. [The object, although not expressly avowed, of the proclamation seems to have been the export of gunpowder, to prevent them from carrying on war against the Zulus, by whom they had been so ferociously assailed. But, supposing that the measure was justifiable on that ground, that is no reason why the export of food, clothing, and agricultural utensils should be interfered with. It results from documents already published that the Boers had not emigrated into the Zulu limits without due leave and agreement with Dingaan, the Chief of that Kaffir tribe, for some time before the emigration was commenced a deputation was sent to him to request his permission, which was freely granted. Whilst, however, upon his own invitation, the Boers were amicably treating with him about the purchase of land, the terms of which were actually settled and the land

* This date should be January 18, 1839. The writer in the *Zuid Afrikaan* omits certain remarks from the *Times* article, which directly follow his own quotation. We reprint them here, in square brackets, after his quotation, as they are possibly of more interest now than they were in 1879. These remarks appeared in the *Times* under the head of *Money-Market and City Intelligence*.

† As the Volksraad of Natal said in a letter to Sir George Napier dated February 21, 1842: "By stopping the course of trade . . . several of the emigrants during the visitation of an infectious disease (the measles) died for want of the necessary remedies, or food required or indispensable at such a time" (Translation by Bird, vol. i. p. 695).

made over to them, they were set upon in the night, and men, women, and children of these unfortunate emigrants butchered with circumstances of the most appalling barbarity. The emigration itself was suggested as a means of escape from the plunder and danger of property and life to which they were exposed in their former habitations in the colony, from the want of due protection on the part of the authorities, long demanded, but withheld, until in an evil hour they were driven to desperation, and betook themselves to emigration. The dangers from which they fled did not arise so much from the open hostility of the Kaffirs as from the hordes of Hottentots and Fingoes wandering about the country, and by open force or stealth carrying off their herds and horses, not unfrequently accompanied with bloodshed. Against these spoliations the Boers had no remedy, for although, on remonstrance, they were told by the local Government that they should never trust their cattle out except under the care of herdsmen well armed, and that without such precaution proved they would be entitled to no compensation, yet by a curious mockery of this counsel a proclamation termed the 'Gunpowder Proclamation,' was issued subsequently, prohibiting the issue of gunpowder from any private store, so that the farmers may be said to be delivered up to the mercy of the plundering tribes without arms or defence. It appears that with regard to the Boers, emigrants to Port Natal, the Governor had some time since issued a friendly address inviting them to return and promising them protection for the future; but it had little effect, for, badly as the emigrants were off in their new quarters, the return to their old deserted and dilapidated farms was considered a greater evil than remaining where they were, in the midst of all sorts of danger and privation. The Government, it was said, was resolved on taking possession of Port Natal and constructing a fort there; upon which it is remarked as strange that it should be contended the Boers had no right there, because the territory belonged to the Kaffirs, although possessing it by cession, and that the Government, itself making this objection, should nevertheless determine on taking military possession without reference to the native chiefs.]”

‘But,’ continues the writer in the *Zuid Afrikaan*, ‘more was following:—The painful situation of the emigrants, on account of the treacherous attacks of Dingaan, induced a number of the Dutch Boers in the Eastern Province to make preparations, towards the end of the month of September, to come to their assistance. The Governor [Sir George Napier] heard of this, and the consequence was the following Government notice:—

“Information having been received by Government that it is the intention of certain inhabitants of the northern districts of the Colony to join the emigrant farmers, with the view of co-operating with them in

an attack on the Zulus, his Excellency the Governor desires to warn those persons that if they persist in those designs, and carry them into execution, he will be forced, however unwillingly, into the adoption of measures which cannot but prove in the highest degree unfavourable to the interests of the emigrants themselves.—Colonial Office, Cape of Good Hope, 18th October, 1838. By his Excellency's command, (*signed*) JOHN BELL, Secretary to Government."

'What sort of "measures" were meant appeared very soon. In spite of proclamations and Government notices, even in spite of the seizure of the schooner *Mary* at Algoa Bay on her voyage to Natal, the emigrant Boers continued to receive gunpowder and lead, and to maintain their position against Dingaan. Then his Excellency devised another plan. On the 14th of November he issued another proclamation. The document is too long to be quoted in its whole. We merely give its tendency. His Excellency explained in it that the Boers had caused disturbances at Natal by the unlawful occupation of land in that country (in spite of Retief's treaty with Dingaan); that the Government wished to put a stop to the horrible deeds of the Boers (undoubtedly consisting of the murder of Retief, their fathers, brothers, mothers, and sisters, by the Zulus)*; that his Excellency therefore had resolved upon ordering the harbour of Natal to be closed against all commerce, and that he would send a military power to occupy the harbour and to seize all arms and ammunition that would be found there. It was distinctly stated that the occupation would be only of a temporary character, and that its object was not the incorporation of Natal as a Colony with the British Empire.'

A store of ammunition in Durban, belonging to the emigrants, was actually seized; and only after it had been discovered that the farmers had a considerable supply with them in their waggons, beyond the reach of capture, had this attempt at coercion been abandoned and had the British troops been recalled to Cape Town (December, 1839).†

* To avoid misunderstanding it should be stated that these remarks, in round brackets, are those of the contributor to the *Zuid Afrikaan*.

† For this extraordinary behaviour of the British authorities Mr. Theal suggests as an excuse that they had been misinformed (neither for the first nor for the last time) by Englishmen in South Africa in whom they had confidence. "The Secretary of State believed," he says, "that the emigrant farmers were in collision with inoffensive tribes, and did not imagine that the Zulus and the Matabele were the most cruel foes the aborigines ever had" (vol. iv. p. 333). But while it is doubtless the duty of the historian to make allowance for extenuating circumstances, our concern at

This temporary occupation of the Port of Durban had not been based upon any claim to the territory which the Boers had acquired. It has been suggested by some writers, seeking to excuse the inexcusable, that Great Britain at the time of the cession of the Cape in 1814, had obtained some right to the whole of South Africa. If so, how was it that Germany, many years afterward, took possession of territory bordering upon Cape Colony, without protest on this ground by Great Britain? * The suggestion is absurd. And in any case the British Government had certainly never laid claim to Natal. Quite the reverse—and it is necessary to keep this in mind in order to understand the indignation of the emigrants at the subsequent conduct of that Government: before the Boers had settled in Natal, the Imperial authorities had categorically and specifically refused to claim it as British or to declare their sovereignty over it, first, in 1834, on the score of expense,† and later, in the words of a despatch from Earl Glenelg, dated March 29, 1836, on the ground that “His Majesty’s Government was

present is with the facts, and with the feelings of the Boers in view of those facts; and it should be evident that the Boers must have taken a different and perhaps less tolerant view than Mr. Theal’s of this attempt to deprive them of their only means of defence against the murderers of their wives and children. As they themselves asked, in a letter, dated February 21, 1842, from their Volksraad to Sir George Napier: What did the Colonial Government do? “Did it offer us any help when we were in distress, and had the prospect of being at any moment annihilated by savage and bloodthirsty enemies, and when already six hundred of our number had been most treacherously and undeservedly murdered? Or did it regard with indifference the misery of its former subjects, whilst total destruction threatened them? But, what is more, were not their murderers supported and helped, as soon as they (the emigrants) appeared to have any chance of gaining the upper hand, by forbidding the export of any arms or ammunition to them? Yes; even by threatening us with a military occupation, and the confiscation of our own arms and ammunition” (translation by Bird, vol. i. p. 695).

* See C. 4190 of 1884, p. 53.

† Blue Book No. 252 of 1835, p. 102; despatch to Sir B. D’Urban of November 10, 1834, in reply to a petition from a large number of Cape merchants praying “for the formation of a Government establishment at Port Natal, with an adequate military force for the protection of the trade with that place.” This petition was the outcome of an impression “that the Government of the United States, anxious to find footholds for American trade in the Southern Seas, was likely to take possession of Natal” (Lucas, vol. iv. p. 194).

deeply persuaded of the inexpediency of engaging in any scheme of colonisation or of acquiring any further enlargement of territory in Southern Africa" (Quoted by Theal, vol. iv. p. 309).

Even in 1838, when sanctioning the occupation of Port Durban for the purpose already mentioned, Earl Glenelg had stated that "it should be distinctly understood that such a measure does not imply any intention on the part of Her Majesty's Government to occupy the adjacent territory, or to make a permanent settlement at that place."*

It was in face of repeated declarations such as these, that, as soon as the power of the Zulus had been broken (in point of time in any case), the British Government entered upon a course of action which led, step by step, to the overthrow of the Natal Republic and to the appropriation of the whole of its territory.

On June 18, 1840—Dingaan had been subdued in January—Lord John Russell instructed the Governor of Cape Colony to send troops to occupy Port Durban again; but when his despatch arrived, there was such serious trouble with the natives on the eastern frontier of the Colony that the order could not be carried out.† On the 21st of August,

* Bird, vol. i. p. 399. In a recent brochure, Sir Conan Doyle describes the occupation of Natal by the Boers, and then, with much display of historic impartiality, admits that before their arrival "our [the British] annexation of Natal had been by no means definite." By no means definite!

† Blue Book No. 424 of 1851, shows that Sir George Napier, who had been sent out to replace Sir Benjamin D'Urban and to give effect to Lord Glenelg's policy (see *supra*, p. 31), had been informed by a number of English farmers that "if some active measures are not promptly adopted for the better security of this frontier, the English inhabitants will be compelled to follow the example of their Dutch neighbours, and like them seek in some remote district a home where they may at least have it in their power to protect themselves" (p. 62). So, with many apologies and regrets, the Governor informed the Secretary of State that although the Glenelg-Stockenstrom treaties of 1837 had been most faithfully observed by the border farmers, it was "not so with the Kaffirs, for they commenced from the first to plunder the colonists." Consequently he said, "I feel it to be my bounden duty to represent to your Lordship, that the time is come when I can no longer avoid [!] entering into the complaints and grievances under which the border farmers labour, as regards the constant plunder of their flocks and cattle, and the slaughter of their armed herdsmen" (pp. 54, 55).

1841, these instructions were repeated, and the Governor, Sir George Napier, issued a proclamation declaring that the Queen would not recognise the emigrants as an independent people and that a detachment of Her Majesty's forces would take possession of Durban. To this the Volksraad of the Natal Republic, in a letter dated at Pietermaritzburg on the 21st of February, 1842, replied that life under British rule had proved and would again prove unbearable, and that they were therefore driven either to "set out on a new emigration, leaving behind us here all we possess in the world," or, to take up arms "for the protection of our rights, of our property, even of our existence." If, they continued, "we were all to be brought low at the cost of much blood and treasure, the flame would be only smothered or stifled, to burst out the more violently in the day of revenge." *

The British troops were sent, nevertheless, and reached their destination in May. They attacked the burghers, and were vigorously opposed, one party of 140 soldiers meeting with a loss of 103 killed, wounded, and missing. † They were then obliged to act on the defensive and to entrench themselves; were besieged, and at last were reduced to living upon "a few ounces of biscuit dust and dried horse-flesh daily." But on June 26th a large body of reinforcements arrived, and the Boers retired into the interior.

For several months after this the country remained in an unsettled condition, the Volksraad continuing its sessions at Pietermaritzburg, while British troops retained possession of Port Durban, cutting off the Boers from all communication by sea with Cape Colony. Then, in accordance with

* Bird, vol. i. p. 698. "Wraakneming," translated by Bird as "revenge," is here used in the Biblical sense of retribution or judgment (see Stuart, p. 161).

† Then, as always, the Boers were most kind to the wounded British. "The farmers had treated the wounded men with the greatest humanity, and in some cases had rescued them from being drowned by the rising tide"—the action having been fought quite close to the sea (Russell, p. 173).

instructions received from London, Sir George Napier, on May 12, 1843, issued a further proclamation which announced that Her Majesty the Queen "hath been graciously pleased to bury past transactions in oblivion" [!], and that the district of Port Natal, "according to such convenient limits as shall hereafter be fixed upon and defined, will be recognised and adopted by Her Majesty the Queen as a British Colony" (Bird, vol. ii. pp. 165, 166). Shortly afterwards the garrison of Durban was considerably reinforced, and a Special Commissioner, Mr. H. Cloete, was sent to take possession of the country.

Some six or seven hundred armed burghers assembled at Pietermaritzburg, where the Volksraad met in special session. In the midst of the excitement a numerous deputation of the Boer women waited upon the British Commissioner, who, in a letter (August 8, 1843) to the Colonial Secretary at Cape Town, gave a rather quaint account of his interview with them.

'The spokeswoman,' he wrote, 'commenced by declaring that, in consideration of the battles in which they had been engaged with their husbands, they had obtained a promise that they would be entitled to a voice in all matters concerning the state of this country; that they had claimed this privilege, and although now repelled by the Volksraad, they had been deputed to express their fixed determination never to yield to British authority; that they were fully aware that resistance would be of no avail, but they would walk out by the Drakensberg barefooted, to die in freedom, as death was dearer to them than the loss of liberty.

'I endeavoured (but in vain) to impress upon them that such a liberty as they seemed to dream of had never been recognised in any civil society; that I regretted that, as married ladies, they boasted of a freedom which even in a social state they could not claim, and that, however much I sympathised in their feelings, I considered it a disgrace on their husbands to allow them such a state of freedom. After an interview which lasted a couple of hours, they left me, still more excited than they had been when they first arrived, and departed exclaiming that their shibboleth was liberty or death. From this state of frenzy into which the females had worked themselves, His Excellency may

conceive how easy it was for them to impart some portion of that excitement into the minds of their relatives' (Bird, vol. ii. p. 259).

But the excitement did not affect the decision of the Volksraad. That in the end resistance would be futile was realised by the men and by the women alike. So the large majority of those who had established new homes and a government of their own in Natal, moved over the Drakensberg, abandoning once more the results of all their labour. So rapid was the removal that by the end of the year there were not more than five hundred Boer families left in Natal.*

Those who remained soon regretted having done so. The English authorities assigned Kaffirs to locations next to and between the farms of the Boers, thus endangering the lives as well as the property of the farmers. In several instances, it was claimed, farms had actually been taken from their rightful owners and handed over to Kaffirs. In order to lay their complaints before the High Commissioner and to ask for relief, the emigrants decided to send one of their number to Cape Colony, and chose Mr. A. W. J. Pretorius as their delegate. When Pretorius reached the Colony, toward the end of the year 1847, the High Commissioner, Sir Henry Pottinger (who was also

* At the same time that Sir George Napier was instructed by the Secretary of State "to adopt" Natal as a British Colony and to overthrow the Boer Republic, Lord Ellenborough, in India, declared (October 1, 1842) that "to force a sovereign upon a reluctant people would be as inconsistent with the policy as it is with the principles of the British Government." For that reason, he said, the Afghans could select their own ruler; no British force would be left in their country, and the Imperial authorities in India would rest "content with the limit nature appears to have assigned to its empire."

But, not long before the declaration of this "British principle," the Afghans had slaughtered several thousand British troops, while, in December, 1841, English officers, at the head of those troops in Afghanistan, had written in their extremity (for they had women with them too) to Akbar Khan, the murderer of the Queen's representative, Sir W. Macnaghten, that "*in friendship*, kindness and consideration are necessary, not overpowering the weak with sufferings." The weak were the English on that occasion. And Akbar Khan, to whom these officers appealed "*in friendship*," was not only the murderer of Macnaghten, whose body was hardly cold at the time, but was also the son of the man whom

the Governor of Cape Colony), refused to see him, chiefly on the ground that he was too busy.

'Mr. Pretorius was thus obliged to return to his constituents disappointed and despairing of any relief other than a fresh migration. As he passed through the Colony on his way to the Orange River, he was everywhere received with the warmest sympathy. People flocked from great distances to see him and to invoke God's blessing upon him and his fellow-sufferers. Their treatment was compared, in Bible language, to that of Israel under the heartless despotism of Egypt. In their enthusiasm, numbers of people, men and women, resolved to throw in their lot with the emigrants, in consequence of which the stream of refugees from the Colony was greater during the next few months than at any preceding period after 1838.' *

To avoid a charge of exaggeration, it will be best to conclude the account of this incident in the words of Mr. Theal.

He says that when Pretorius returned after his unsuccessful attempt to see the High Commissioner,

'He met a number of people in flight from their homes, among whom was his own family. His wife was lying ill in a waggon, his youngest daughter had been compelled to lead the oxen and had been severely hurt by one of them, and his milch cows had all been stolen by the blacks. This, he repeated afterwards with bitterness, was what British rule in Natal meant to him. The tidings which he brought destroyed the last hope of those who still wavered, and now there was a general exodus.' †

the English had dethroned and exiled. How was it that the Afghans succeeded in evoking the operation of "British principles" while the Boers so signally failed to do so?

* Theal, vol. iv. pp. 417, 418 (first edition). Writing to the Governor of Cape Colony on December 4, 1846, Earl Grey, the Secretary of State, had actually declared that "a law should be made prohibiting these people [the Boers] from leaving the boundaries of the Colony with their cattle and property. When an adequate military force has been organised," this would-be Pharaoh continued, "such a law might without difficulty be enforced; and I conceive that if it were so the emigration would be effectually prevented" (No. 980 of 1848, p. 96).

† Theal, vol. iv. p. 425 (first edition). In the edition of 1897-1904 Mr. Theal has omitted the words: "This, he repeated afterwards with bitterness, was what British rule in Natal meant to him."

Meanwhile, however, a new Governor in the person of Sir Harry Smith, with a new policy, was making a tour of inspection through the country north of the Orange River. When he heard that the entire Dutch population was moving out of Natal, he sent word to Pretorius asking him to delay the emigration until he could reach them in person. In February, 1848, near the foot of the Drakensberg, the Governor found the emigrants waiting for him. Writing to the Secretary of State on February 10th, from Pietermaritzburg, where he had arrived the day before, he said :

‘ In crossing the Drakensberg Mountains I met a considerable number of Dutch farmers’ families “trëking,” or abandoning their farms with their flocks and herds, etc. This, to a small extent, I was prepared for, from a Report of the Lieut.-Governor, which I have already forwarded to your Lordship, that many families had abandoned their farms upon the Klip River, leaving their crops standing, rather than fulfil the obligations of a Proclamation* issued by the Lieut.-Governor in Council, to the effect that these inhabitants should take the oath of allegiance—a measure the expediency of which is to me doubtful, as it tends to attach fault or criminality indiscriminately. On my arrival at the foot of the Drakensberg Mountains I was almost paralysed to witness the whole of the population, with few exceptions, “trëking”! Rains on this side of the mountains are tropical, and now prevail—the country is intersected by considerable streams, frequently impassable—and these families were exposed to a state of misery which I never before saw equalled, except in Massena’s invasion of Portugal, when the whole of the population of that part of the seat of war abandoned their homes and fled. The scene here was truly heart-rending. I assembled all the men near me through the means of a Mr. Pretorius, a shrewd, sensible man, who had recently been into the Colony to lay the subject of dissatisfaction of his countrymen before the Governor, where he was unfortunately refused an audience, and returned after so long a journey expressing himself as the feelings of a proud and injured man would naturally prompt ’ (No. 980 of 1848, pp. 211, 212).

By dint of liberal promises of land and protection, Sir Harry Smith persuaded some of the emigrants to return to

* See No. 980 of 1848, pp. 184–197.

Natal. The others, including Pretorius, preferred to continue on their way, beyond the Vaal River, to the "Transvaal," where, as free men, they hoped to be able to govern themselves without further molestation by the representatives of British authority.

CHAPTER V

THE BOER EMIGRANTS: 1842-1852

(Events culminating in the Sand River Convention)

OF the Boers who had at once left Natal after its occupation by British troops in June, 1842, and after its formal "adoption" in 1843, some had moved north of the Vaal, while others had joined their friends who had settled further south along the Modder, Riet, and Caledon Rivers. The British Governor, in default of a sufficient armed force, had pursued them by proclamation, collectively. This proclamation was based upon the fiction of perpetual and immutable allegiance. Men and women who had been driven to flee from their homes were informed (August 21, 1845) that—

'Her Majesty the Queen, by graciously establishing in the District of Natal a settled form of government, is not to be understood as in the least renouncing her rightful and sovereign authority over any of her subjects residing or being beyond the limits of the said district' (Bird, vol. ii. p. 468).

At this time Dr. Philip, of the London Missionary Society—*

'Practically exercised the same power in the Cape Colony that the Secretary for native affairs did at a later period under responsible

* See *supra*, p. 30.

government. He had the whole of the great philanthropic and missionary societies in England to support him. With these in opposition no Ministry could retain office long, and therefore the Governor was obliged not only to consult him on all questions affecting coloured people, but to act upon his advice' (Theal, vol. iv. p. 406).

Dr. Philip's intentions, like Dr. Vanderkemp's before and Dr. Livingstone's after him, are declared by his admirers to have been excellent.* But, as has been shown already, he did not understand the natives, and he hopelessly misjudged the Boers. Consequently, his influence was disastrous to the peace of South Africa, and particularly disastrous to the natives. The Bushmen, of whom, especially, Dr. Philip constituted himself the guardian, hardly survived the experience; for when he gave the district of Philippolis to a tribe of Griquas, he did so on the condition that the Griquas should protect the Bushmen against the emigrants. Unfortunately,

'As well might a hyena be put into a fold to protect the sheep. The records of the first European settlers in South Africa prove the enmity between the Hottentots [of whom the Griquas were an offshoot] and Bushmen to have been as deep-seated in the middle of the seventeenth century as it has been ever since. But this was unknown to Dr. Philip. He had formed a theory, and he acted upon it. The result was the disappearance of Bushmen, not only from the district of Philippolis, but from the territory far beyond. Whether the sickening tales that are found scattered about in South African literature, of the throats of some being cut after they were hunted down by the Griquas, of others being roasted alive, and so forth, are wholly or only partially true. . . . that the Bushmen were exterminated remains in any case' (Theal, vol. iv. p. 413).

For the further protection of the natives against the Boers, and in order to prevent the emigrants forming

* Dr. Livingstone's writings did even more, perhaps, than Dr. Philip's, to prejudice English public opinion against the Boers. His animus against them was intense, as Mr. Theal allows; and although "some of his statements have over and over again been proved to be incorrect," they are quoted indiscriminately, none the less, as though they were the testimony of an impartial and accurate observer.

independent governments of their own, Dr. Philip devised a system of parcelling out South Africa, north of Cape Colony, into native kingdoms, with the chiefs of which Sir George Napier, the Governor, entered into formal treaties of alliance, binding the Colonial Government to subsidise and arm them.* Two of these coloured monarchs (there were three in all) were the chieftains of petty, nomadic clans that had only recently been induced by missionaries to settle in one locality. Their claim to the land they really occupied and utilised was as good as that of any other settlers; but they were in the habit of extending their claims so as to include the surrounding country, and in this respect their pretensions were well-nigh illimitable. The other member of the trio, Moshesh, chief of the Basuto, when asked to define his territory, "replied that it was wherever his foot had pressed the ground or one of his people had ever lived" (Theal, vol. iv. p. 421, footnote). Resident missionaries, as a rule, encouraged such ideas, because they were anxious to exploit the particular chief they patronised, as the most powerful and enlightened in South Africa.

One clan of Griquas, for instance—"mere squatters," as Sir Harry Smith described them some seven years later †—with whose chief the British Government entered into a treaty of alliance in October, 1843, consisted of from fifteen hundred to two thousand souls, all told. In this treaty, ‡ their claim to the independent possession of territory eleven or twelve thousand square miles in extent was

* No. 424 of 1851, pp. 214, 215. In the words of Sir William Molesworth, at one time Secretary of State for the Colonies, in his *Materials for a Speech, etc.* (p. 11): "Then commenced a series of ludicrous treaties between his Britannic Majesty on the one side, and the barbarous chiefs of South Africa on the other—treaties which the savage never kept one moment longer than he thought it for his interests to keep them, and which his Britannic Majesty invariably broke whenever the Governor of the Colony of the Cape of Good Hope deemed it expedient to do so."

† In a despatch to the Secretary of State, dated January 20, 1851, in No. 1360 of 1851, p. 82.

‡ Theal, vol. iv. pp. 419, 420; and p. 414.

fully recognised—and toward the north their boundary was not defined at all! Yet, at the time this treaty was entered into, more white people than Griquas were residing within the borders of that district: nearly all the white people being Boers. To add to the absurdity of the situation, the chiefs of clans such as this, encouraged by their missionaries, entered into treaties with each other, dividing on paper enormous stretches of territory to which they had no title whatsoever, ignoring the rights of other chiefs more powerful than themselves, as well as the rights of the Boer occupants. "Yet documents such as this were regarded by the Imperial authorities of the day as important state papers," and, many years afterwards, were brought forward as good evidence of a right to the country specified in them, to the exclusion of the legitimate owners.

By means of these treaties (1843), Cape Colony was entirely hemmed in by fictitiously created states.* Nothing more annoying to the Boers could possibly have been devised. It exasperated them more than anything that had happened since they left the Colony.

The Griquas, they said, had been as much British subjects as themselves, "most of them having been born under the British flag."—

'Yet the independence of these semi-barbarians was acknowledged, and they were admitted to the position of allies and furnished with arms, while white men with exactly the same claims to freedom were told that go where they would they could not throw off their allegiance, except that while living in the territories of coloured chiefs they were under the jurisdiction of such chiefs. One and all they refused to subject themselves to the puppet sovereigns set up by the treaties' (Theal, vol. iv. p. 421; and Lucas, vol. iv. p. 208).

This state of things was by no means improved by the missionaries attached to the different "reigning" chiefs,

* The first of these treaties was entered into in 1834.

for, between themselves, they carried on a war of unending words on behalf of their respective *protégés*, which added considerably to the turmoil, and which did nothing to improve their relations with the Boers.

The upshot of it all was that when a party of Griquas attempted to arrest one of the emigrants, "the burghers, fearing a general attack, assembled under arms, and the Griquas did the same." Then troops were sent to the support of Great Britain's allies, and after a trivial skirmish at Zwartkopjes (1845) the farmers dispersed, those of them who were most opposed to the British Government moving north from the Riet, Modder, and Caledon Rivers, either to Winburg or to the Transvaal.

It will be remembered that a large party of the first emigrants from Cape Colony under Commandant Potgieter, had purchased from a native chief the district lying between the Vaal and Vet Rivers, of which the town of Winburg became the centre; and that, after the repulse of the Matabele, who had devastated the country to the north of the Vaal River, that territory also became the property of the Boers. Of the latter district, Potchefstroom was made the capital; but the emigrants residing in both of these districts, the one north, the other south of the Vaal, remained a united body under one Council and one Chief-Commandant, Hendrik Potgieter.

After the overthrow of the Natal Republic, and in view of the confusion caused by the Napier treaties of 1843, Commandant Potgieter decided that there was but one way to avoid collisions with the British Government, and that was to move to the far north.* As most of his people agreed with him, there was a general movement northwards, in 1845, from Potchefstroom and Winburg. Some of these emigrants founded the village of Lydenburg.

* He had urged, also, the importance of unhindered communication with the outer world, and, with this in view, of being within reach of Delagoa Bay.

Another detachment, with the Commandant himself, settled in Zoutpansberg. The district around Potchefstroom, which had thus been abandoned, was at once occupied by those of the Boers who would not submit to the British authorities in Natal, or to the Anglo-Griqua government established near the Orange River after the skirmish at Zwartkopjes.*

It came about in this way that the Boers who were living in the Transvaal at that time were those who had suffered most at the hands of the British Government, or who, in any case, were the least inclined of all to submit to its control. Yet, even of those who were then living between the Vaal River and the Orange River to the south, it is said that out of a total of two thousand families, "fully fifteen hundred were opposed to British rule" (Theal, vol. iv. p. 415, first edition).

Such was the situation when Sir Harry Smith, in 1847, became Governor of Cape Colony and High Commissioner. He had come out fully armed with what purported to be a brand new policy devised by himself in conjunction with the Imperial authorities in London.

'A system antagonistic to that of the Napier treaties was to be introduced. Those treaties, founded indeed on benevolent intentions, but utterly impracticable, attempted to subject civilised men to barbarians. He would place an enlightened and benevolent government over all.†

In reality, however, this was not a new policy, for in

* The "Thirty-three Articles," the basis of the Constitution of the South African Republic, were drafted and informally agreed to on April 9, 1844, at Potchefstroom; and were ratified by the Volksraad on May 23, 1849, at Derdepoort.

† Theal, vol. v. p. 262. Earl Grey's later version of "the substance" of the instructions conveyed by him to Sir Harry Smith was "that experience having demonstrated the futility of treaties with the Kaffirs, no more were to be made," and that certain specified tribes "must be deprived of their political independence, and the territory taken possession of on behalf of the Queen" (December, 1852, in *The Colonial Policy of Lord John Russell's Administration*, vol. ii. p. 201).

plain words it meant that the British Government had decided to imitate the tactics that had already been followed in Natal. Territory which until then had belonged to the Boers was to be annexed. Other territory, from which the Boer Government had been excluded only by the artificial creation of native states, but which was occupied nevertheless by emigrant farmers, was also to be annexed. As usual, annexation was to bring with it many blessings, not forgetting "equal rights" for white men and for black. Also as usual, this policy was adopted "most reluctantly" and after repeated assurances by the Imperial authorities that annexation could not seriously be contemplated.

Thus it happened that on February 3, 1848, Sir Harry Smith issued a proclamation which, while explaining most carefully that there was "no desire or inclination whatever on the part of Her Majesty to extend or increase her dominions," annexed at one stroke of the pen all the territory to the north of the Orange River as far as the Vaal River and east to the Drakensberg, impartially including territory belonging to Moshesh, the Basuto chief. (No. 969 of 1848, p. 63.) On the 8th of March a form of Government was proclaimed for the annexed territory, which was named "The Orange River Sovereignty."

Now, such parts of this territory as were habitable by white men, the Boers had made so. Nevertheless, when many of them met together to protest against the High Commissioner's arbitrary act—against this theft of their property, for that is what it amounted to—he described their proceedings as follows :

'Some violent demagogues, ruined in circumstances, and blackened in heart [!], have endeavoured to excite, and render still more discontented, a restless and unhappy people.'*

This and similar communications to the Secretary of

* No. 969 of 1848, p. 76. And see *infra*, pp. 70, 71.

State enabled it to be assumed in England that most of the Boers—certainly “the better disposed” among them—welcomed British rule.* A certain proportion of the emigrants, it is true, wished to maintain an attitude of neutrality, and accepted the *fait accompli* in that spirit. A very few went so far as to consider that the obliteration of the imitation kings who had been set over them since 1843 was evidence of some dawning enlightenment at Downing Street, and, for that reason, actively supported Sir Harry Smith’s policy. But the vast majority,† particularly those of the district of Winburg, after giving evidences of disapproval which provoked their self-appointed Governor, Sir Harry Smith, to the point of issuing a vigorous manifesto against “agitators,” remained opposed so implacably to the English Government that in May, 1848, they sent to Pretorius, who was living beyond the Vaal, “to inform him that they were resolved to take up arms in vindication of their right to independence,” and to beseech him to come to their assistance.

In the Transvaal, naturally, there was much sympathy with this party of opposition, “and particularly with the burghers of Winburg, who were regarded as fellow-citizens of a common Republic.” So Pretorius consented to help them, and on July 17th, as Commandant-General, formed a

* As Sir Harry Smith’s successor, General Cathcart, pointed out in a despatch dated May 20, 1852, to the Secretary of State for the Colonies: “The acquisition of this Sovereignty was no doubt brought about by conquest and force of arms; but the motive was assumed to be a compliance with a real or supposed voluntary desire of the majority of all the various communities within its geographical limits, to place themselves under British rule and protection” (No. 1646 of 1853, p. 38).

† In 1854, on May 9th, in the House of Commons, Mr. F. Peel said: “Sir Harry Smith told . . . that it was the wish of the Europeans, as well as natives, that British rule should be established for the purpose of arbitrating between them. Earl Grey, acting in deference to the views of Sir Harry Smith, and against his own better judgment and more far-seeing views [?], authorised the assumption of Sovereignty over the Orange River territory. A few months, however, showed that the anticipations of Sir Harry Smith were delusive, and instead of four-fifths of the population being in favour of British rule, as he represented, according to recent information at that very time it appears that nine-tenths were against it” (Hansard, vol. cxxxiii. pp. 71, 72).

camp within two miles of Bloemfontein, the capital of the newly constructed Sovereignty. The British Resident, Major Warden, had no force at his disposal capable of offering an adequate resistance. Terms of capitulation were arranged, therefore, and a few days later the Boer commando entered Bloemfontein, the British officials resident in the Sovereignty being put quietly over the border.*

Sir Harry Smith, as he reported to Earl Grey (the Secretary of State), at once offered a reward of £1,000 "for the apprehension of this treacherous rebel Pretorius," or for information that would lead to his apprehension. This, said the Governor—

'Will make the villain aware of his rebellious position, and in a divided society create that mutual distrust which it is my object to establish' (No. 1059 of 1849, p. 12. Despatch of July 26, 1848).

Further to strengthen his position verbally, Sir Harry Smith, while on the march from Cape Colony at the head of a large body of troops, again wrote to the Secretary of State (August 10, 1848), assuring him that:

'The adherents of this rebel [Pretorius] are all men of ruined circumstances, restless and turbulent; while the majority of the people over the Orange River are well-disposed, loyal, and desirous of the Government they indeed sought' (No. 1059 of 1849, p. 20).

And then, turning from the Secretary of State and the British public to a less compliant audience, he issued what he described as a "Warning to the Rebel Boers" (August 17th).

* Writing to Sir Harry Smith on first hearing of the approach of Pretorius, Major Warden said (July 13, 1848): "I have sent letters to-day to Moshesh, Moroko, and Moletsane, requesting them to occupy the upper part of the Modder River." Then, writing on July 24th, excusing himself for having had to surrender Bloemfontein, he said: "No reply had been received from any of the Chiefs to whom I had written for aid some days before, with the exception of a few men from Moroko" (No. 1059 of 1849; pp. 14, 22).

They were "all men of ruined circumstances," he had written. But now, seven days later, he announced:

'Some of you rebels, I know, have large sums of money in the Colony—beware, if you fire a shot, lest I seize them to assist in defraying the expenses of this outbreak' (No. 1059 of 1849, p. 30).

And the authorities in England accepted both statements cheerfully.

On August 29, 1848, the Boers were encountered at Boomplaats, not far from Bloemfontein, and were defeated. In his account of this action, the Governor, who had been through the Peninsular War and had fought at Waterloo, writing next day to Earl Grey, spoke of it as "one of the most severe skirmishes ever, I believe, witnessed." He acknowledged the valuable aid rendered him by "the gallant Hottentots," and also by "a body of about 250 Griquas," and then remarked:

'No prisoners were taken, for none of the rebels would yield' (No. 1059, of 1849; pp. 43-45).

But did the "gallant" Hottentots and Griquas ask "the rebels" to yield? Undoubtedly not. And even if Sir Harry Smith could have disowned responsibility for the conduct of these savages, was his own conduct better or worse than theirs when, having taken prisoner next day a Boer named Dreyer, he subsequently, in cold blood, caused him to be shot? *

After this fight the British marched to Bloemfontein without encountering further opposition. The Boers had been defeated; the Sovereignty was in the undisputed possession of British troops,—and then the real trouble began.

* For no other reason than that "he was once, though years before, a British subject, and had now dared to fight against Her Majesty's flag" (*A Century of Wrong*).

The most determined opponents of British authority moved to the Transvaal, their places being filled by emigrants from Cape Colony, many of whom were of English birth; so circumstances favoured a peaceful settlement. Fortunately, perhaps, for the preservation of an independent spirit among the southern Boers, the Imperial authorities, in total ignorance of the Boer character, and probably without wishing in the least to do so, did everything possible to make British rule insufferable.

As soon as Sir Harry Smith arrived at Bloemfontein he issued a proclamation (September 2, 1848) in which he announced "to all Her Majesty's subjects who shall be proved to be guilty of rebellion by having joined the rebels in arms under this Pretorius, that their property is confiscated," while those who had furnished aid by supplying the Boers in arms with transport or provisions, would be severely fined.

In the same proclamation the Governor doubled the reward for the apprehension of "this Pretorius," confiscating any property he might possess in the Cape Colony. (No. 1059 of 1849, p. 61.) Next, he entered into treaties of alliance with various native chiefs, who, according to Sir Harry Smith's successor, Sir George Cathcart, were "little better than men of straw set up by the missionaries to represent territorial possessions held by their sect." * Having entered into these treaties, Smith made it a condition of holding a farm in the Sovereignty that "every able-bodied man upon it should be liable to military service in aid of the Queen *and her allies*, whenever called upon by the British Resident or the magistrate."

'But almost to a man the European inhabitants of the Sovereignty were opposed to this principle. As far as the outer line between them-

* Quoted by Sir William Molesworth in his *Materials for a Speech*, etc., p. 26.

selves and the [native] reserves was concerned, they were quite willing to protect it. But they maintained that it was neither their duty nor their interest to interfere in quarrels [and the natives were perpetually quarrelling] which did not affect them, and as Her Majesty's allies would be whichever clan was for the time being in favour, under such a land tenure they would be continually embroiled in war' (Theal, vol. v. pp. 298, 299).

In a Memorial dated December 7, 1851, signed by thirty-three British subjects residing in the Sovereignty—all but two of whom bear English names—it is pointed out that, for the above reasons :

'Unless the question of military service, otherwise termed burgher duty, be unequivocally set for ever at rest by Government explicitly renouncing all claim or right to insist on such, three-fourths of the Dutch farmers will leave the Sovereignty, and seek for homes and tranquility under the protection and auspices of their brethren beyond the Vaal, and it is believed that *they will be joined by not a few of the English portion of the settlers.* . . .'

The memorialists then say :

'We may here bring to your notice that the discontent of the Dutch farmers has been greatly increased, and the dislike to the British Government rendered more inveterate, in consequence of a system which was adopted of levying fines from such as declined or failed to take the field, confiscating or threatening to confiscate their farms, and refusing to grant transfer without trial or hearing before any competent tribunal, and in the absence of any law or ordinance to that effect. . . . Another subject of most lively discontent on the part of the farmers is to be found in the most unaccountable manner in which the right to farms were in some instances disposed of, and boundaries extended or contracted' (No. 1646 of 1853; pp. 19, 20).

In addition to these grievances, the Boers of the Sovereignty objected strongly to the policy of supplying arms and ammunition to native allies, maintaining that to do so was opposed to the best interests of the blacks and was a menace to the safety of every white man, woman, and child in South Africa.

Such complaints and warnings were not heeded by the High Commissioner. Consequently, as might have been expected, the situation became chaotic. Native allies were always being helped to protect themselves against their native enemies; their native enemies took advantage of the opportunity to rob the farmers of their cattle; one tribe after another was favoured, then attacked, and then again favoured. Leading Boers "waited upon the British Resident at Bloemfontein, and endeavoured to dissuade him from further interference in these tribal quarrels, but to no purpose" (Theal, vol. v. p. 308). It was the policy of Her Majesty's Government; the missionary party (the "Loyalists" of those days) approved and encouraged it, and were largely responsible for its inception: so no other course could be entertained.

At last, as a result of this persistent interference, Sir Harry Smith, through his representative, Major Warden, involved the Sovereignty in a war with the Basuto, at that time the largest and most powerful tribe in South Africa. The chief of the Basuto, Moshesh by name, was exceedingly crafty, and for long had turned the dissensions between the Boers and the British to his own advantage. He knew that the farmers in the Sovereignty were opposed to the policy of meddling in native brawls, and that they would not respond if the Resident called them to arms.

A detachment of British troops and a large body of native allies, under the command of a British officer, were defeated by the Basuto on June 30, 1851, on a hill named Viervoet.* The British Resident then "found himself without authority in the greater part of the Sovereignty. He did his utmost to raise a commando of farmers, but was unsuccessful" (Theal, vol. v. p. 311).

* For a description of this fight, see Moodie's *History of the Battles etc.*, in *Southern Africa*, vol. ii. p. 74.

Writing to Sir Harry Smith on July 20, 1851, he declared :

‘The fact is, that two-thirds of the Boers in this Sovereignty are in their hearts decided rebels, and consequently do all in their power to thwart Government’ (No. 1428 of 1852, p. 104).

Mr. Biddulph, the Civil Commissioner at Winburg, writing on August 7, 1851, said :

‘I cannot find language to describe to you the very humiliating position in which I find myself placed. Magisterial influence and power have ceased, and that being the case, it will soon come to personal insult and violence’ (No. 1428 of 1852, p. 125).

Nor was it the Boers only who were disaffected. Even some of the English shopkeepers of Bloemfontein, at a public meeting, expressed themselves “in terms not a whit behind the greatest rebel Boer,” their conduct being described as “disreputable and disloyal” (No. 1428 of 1852, p. 128).

Reinforcements were sent from England, but at this time a war with the Hottentots and other tribes was being carried on in Cape Colony, taxing Sir Harry Smith’s resources to the utmost and greatly alarming the Secretary of State. Consequently, “no active step could be taken to retrieve the disaster” of Viervoet. (Lucas, vol. iv. p. 214.) The Basuto, on their side, did not push matters further, contenting themselves with raiding the cattle belonging to any one whom they chose to consider their enemy.

The confusion and lawlessness became so serious that the Republican party in the Sovereignty requested Pretorius to restore order by taking upon himself the office of Administrator-General. Moshesh, the Basuto chief, joined in the request! * Pretorius, who was living at Maga-

* No. 1428 of 1852, pp. 175, 176 ; and No. 1646 of 1853, pp. 25, 80.

liesberg, in the Transvaal, and for whose apprehension a reward of two thousand pounds was still offered, then wrote to Major Warden, the British Resident at Bloemfontein (September 9, 1851), announcing that in view of the disturbance in the Sovereignty he had been requested by Moshesh and other chiefs, "as well as many white inhabitants there," to endeavour to restore order. He had submitted this request to the Council of War and a large public meeting, and, "in order to prevent bloodshed and total desolation," of which the condition of the Cape Colony then afforded an example, he had been charged "immediately to go to work." He then added that it was the wish of the Transvaal emigrants to come to a good understanding with the British Government, and that, on his arrival in the Sovereignty, he would open negotiations on that subject.*

Major Warden did not reply to this letter, but wrote to Sir Harry Smith that Pretorius could put 1,500 armed burghers into the field, "besides having at his call some thousands of natives belonging to the chiefs, Moshesh and Moletsani."†

Shortly afterwards (on the 4th of October), Pretorius again wrote to the British Resident, stating that the Boers had for "long been desirous to be able to conclude a lasting treaty of peace," between themselves and the British Government.‡

The High Commissioner's position was embarrassing. That Pretorius had not exaggerated the gravity of the state of affairs in Cape Colony may be judged from the following entries in the Table of Contents of Blue Book, No. 1334 of 1851. Despatches of January 4th and 9th of that year give :

‘Alarming intelligence from British Kaffraria—Critical position of Sir H. G. Smith and troops at Fort Cox—Efforts of Colonel Somerset to relieve him ineffectual. Extracts from Private Letters, showing the Alarm and Anxiety which pervades the whole Frontier. Atrocities com-

* No. 1428 of 1852, p. 176.

† Ibid. p. 175.

‡ Ibid. p. 194.

mitted by Kaffirs at the Military Villages. Every available Soldier has left Cape Town for the Frontier. Measures for raising a Volunteer Corps of Europeans.'

And then :

'Removal of Sir H. Smith effected from Fort Cox to King Williamstown. Considerable force of Burghers and Hottentots will be sent to the assistance of Sir H. Smith,' etc.

But the "considerable force of Burghers" was not forthcoming. They utterly disapproved of Sir H. Smith's policy. Consequently, the "determined and dogged inactivity of the farmers, principally the Dutch, who, notwithstanding the Proclamation of Martial Law in the eastern districts, cannot be induced to move to the frontier," became not the least of the difficulties against which the Governor had to contend.* Next, the desperate expedient of employing five thousand Zulus to attack the Kaffirs in the rear, was tried,† but had to be abandoned.‡ Then the Hottentots and the Kaffir police rebelled; and on September 8, 1851, within a day of Pretorius' letter and after months of fighting, Sir H. Smith found himself obliged to report: "Serious depredations committed within the Colony by rebel Kaffirs and Hottentots. Chief Macamo again established within the Colony."§ This state of things continued, to a greater or less extent, until February, 1852.

And in England, by this time, the High Commissioner's Imperialism had been weighed and found wanting. The *London Times*, in any case, showed a startling appreciation of the facts. In an editorial of December 20, 1851, it was said :

'We can imagine no events more calculated to humble our national pride, to tarnish the reputation of our arms, and to cast an indelible

* No. 1334 of 1851, p. 126.

† No. 1380 of 1851, p. 52.

‡ No. 1352 of 1851, p. 15.

§ No. 1428 of 1852, p. vi.

stigma on our policy and good faith, than those of which the Cape of Good Hope is now, unhappily, the theatre. We are engaged in a double contest of Arts as well as of arms, against our own subjects as well as against a barbarous enemy; and it is very difficult to say in which of our two capacities, civil or military, we cut the more discreditable figure. . . . A recent event has afforded us convincing proof of the contempt into which the administration of Lord Grey and the proceedings of Sir Harry Smith have brought the British name. The Governor, at the head of 10,000 of our best troops, has been unable to dislodge the Kaffir marauders from the interior of the Colony. Beyond that limit, driven forth into the desolate wilderness as proclaimed traitors, are encamped 12,000 Dutch farmers. On the head of their leader, Pretorius, is set by the British Government the price of £1,000. Yet these men are able to maintain themselves in sturdy independence amid the surrounding savages, and a threat from their leader, the proscribed outlaw, was sufficient to prevent an inroad into our territories, which the fear of the British arms was powerless to arrest. With an European population of 70,000 souls, with an excellent army and a well-supplied treasury, we are unable to command the respect which is cheerfully accorded to Pretorius and his little band of exiles. Such a contrast may well cause us to doubt the wisdom of the course on which we are embarked, and lead us to infer that under the auspices of Lord Grey we are doing for our colonists, at an immense expense of treasure and reputation, that which, if we would abstain from mischievous interference, they would do infinitely better for themselves. The recent, and all preceding Kaffir wars, have arisen from the anxiety to prevent collisions between the colonists and the natives, and we are actually engaged in operations whose avowed object is the extermination of the Kaffirs by Imperial forces, in order to avert the discredit to the empire, consequent upon their chastisement by the hands of the colonists. The difference to the Kaffirs is extremely trifling. The rifle, the bayonet, and the sabre do their work, whether in the hands of soldier or farmer. The difference to the people of England is that they pay the whole expense, bear the whole burden, and support the whole discredit of measures which necessity may palliate in the settler, but which reflect no honour on the vocation of the soldier. . . .

‘The policy we are pursuing is the exact reverse of that which reason and experience dictate. We withhold freedom where we ought to give it; we reject counsel where we ought to seek it; we discourage action where we ought to stimulate it. Ruinous to our colonists, and harmless to our enemies, repressive where we ought to be liberal, and profuse where we ought to be economical; we exhibit a picture of arbitrary dictation and helpless incapacity which it is impossible to contemplate without indignation and shame.’

In view of all the circumstances—of Pretorius' activity, of the crisis in the Colony, of English disapproval—the High Commissioner was not unwilling to share his responsibility with two Assistant Commissioners who had been appointed by Earl Grey in the early part of the year.* These Assistant Commissioners were Major W. S. Hogge and Mr. C. Mostyn Owen. At Sir Harry Smith's request, not long after their arrival at the Cape, they proceeded to Bloemfontein for the purpose of inquiring into the state of the Sovereignty, and particularly into its relations with the neighbouring territories. Having examined the situation locally, they formulated a policy which might almost have been dictated by the *London Times*!

'The Imperial Government had [once more] resolved in the most decided manner not to permit any further extension of the British dominions in South Africa. It was therefore a mere matter of form to acknowledge the independence of the emigrants beyond the Vaal, as British authority had never been established there. But they reported that in their opinion very considerable benefits would arise from such an acknowledgment:—

'1. It was the only way to secure the friendship of the Transvaal emigrants.

'2. It would detach them from the disaffected emigrants in the Sovereignty.

'3. It would prevent their alliance with Moshesh, which that chief was seeking.

'4. The Transvaal emigrants, through their delegates, of their own free will offered to bind themselves to certain conditions, such as the prohibition of slavery and the delivery of criminals, which otherwise could not be enforced' (Theal, vol. v. p. 363).

Finally, as Major Hogge pointed out afterwards in a letter to the High Commissioner :

'The Assistant Commissioners being of opinion no time should be lost during the prevalence of general disaffection amongst the coloured races

* No. 1380 of 1851, p. 67.

of South Africa, in reconciling those [the Boers] to the British Government who might form again, what they once were, its natural defenders against national aggression, readily availed themselves of friendly propositions emanating from the emigrants themselves, to reverse the outlawry of their leaders, and allow them to form such independent government as might seem best to them across the Vaal River.*

So the Commissioners decided to meet Pretorius, and arranged with him that a Conference should take place on January 16, 1852, near the Sand River, about half-way between the Vaal River and Bloemfontein. They met on the appointed day, Pretorius accompanied by about three hundred burghers, Messrs. Hogge and Owen by a small detachment of troops. On the 17th, a treaty, thereafter known as the Sand River Convention, was signed by W. S. Hogge and C. M. Owen, on behalf of the British Government, and on behalf of the Transvaal Boers, by their delegates, A. W. J. Pretorius, H. S. Lombaard, W. F. Joubert, G. J. Krüger, J. N. Grobbelaar, P. E. Scholtz, F. G. Wolmarans, and others.†

This Treaty, as will be seen later,‡ was recognised by the Imperial authorities as having been entered into *between independent powers*. §

Not long after it had been signed, Lieut.-General the Hon. George Cathcart succeeded Sir Harry Smith as High

* In a despatch dated April 16, 1852; No. 1646 of 1853, p. 36. The proclamation withdrawing the notice of outlawry was signed by Sir Harry Smith on November 3, 1851, but was not published until the end of December.

† See Note at the end of this chapter for the full text of the Sand River Convention.

‡ P. 95 *infra*.

§ It has been argued by some people insufficiently acquainted with the facts that this use of the word "Convention," instead of "Treaty," is evidence that the contracting parties were not on an equal footing, *i.e.*, that the Boers were not an independent people. But the British authorities used these words as synonymous. This was affirmed as late as 1894 in the House of Commons by the Under Secretary of State for the Colonies, Mr. Sydney Buxton, in reference to the Conventions of 1881 and 1884. He then said, "... When we make a Treaty with the South African Republic we call it a Convention." He was asked, "But is it a Treaty, or is it not?" To which he replied, "Then I will say it is" (Hansard, vol. xxvi. p. 685).

Commissioner and Governor of Cape Colony. On April 15, 1852, he issued a proclamation expressing "the great satisfaction it gives him, as one of the first acts of his administration, to approve of and fully confirm the Convention." * And on the 24th of June, Sir John Pakington, Secretary of State for the Colonies, wrote to General Cathcart that he was "very sensible of the advantage gained by the establishment of peace and friendly relations with the Transvaal emigrants. I have therefore to signify to you my approval of the Convention with those emigrants, and of your Proclamation giving effect to it." †

During the negotiations preceding the signing of the Convention, Pretorius had requested "that the old district of Winburg should be included in the arrangement," but the British Commissioners would not consent to this. He had then "vainly pressed that a general amnesty should be extended to those persons in the Sovereignty who had repudiated the Government." But although he failed to assist his countrymen south of the Vaal by either of these means, he succeeded in providing them with a haven of refuge whenever they might need it; for they would always be free to cross the Vaal, and the Sand River Convention, in the words of its first clause, guaranteed "*in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River the right to manage their own affairs and to govern themselves according to their own laws, without any interference on the part of the British Government; and that no encroachments shall be made by the said Government on the territory beyond, to the north of the Vaal River.*" It was much to have gained for the people of the Transvaal, and it was much to have gained for those of the Sovereignty; for it was the first time since the Great Trek that the independence of a Boer Republic had been recognised formally by Great Britain.

* No. 1646 of 1853, p. 37.

† Ibid., p. 115.

To argue in these circumstances that the British Government "gave" the Transvaal Boers their freedom would be absurd. The Transvaalers were free, and had been so from the moment they had settled in that country.* As Messrs. Hogge and Owen had realised, it was "a mere matter of form to acknowledge" their independence, seeing that British authority had never been established where they lived. But apart from this, Sir Harry Smith had been completely out-manceuvred by Pretorius. The alarming situation in Cape Colony—alarming, according to the Governor, simply because of the refusal of the burghers to assist him †—had compelled the Special Commissioners to concede at least as much as was necessary to conciliate the Republic beyond the Vaal. They signed the Sand River Convention as the minimum which circumstances exacted.

What made the Convention appear of such great and lasting importance, and what makes it to-day a vital link in the chain of South African history, is the definite undertaking it contains that no attempt would thereafter be made by Great Britain to interfere with the Government of the Transvaal Boers. This undertaking was violated, as will be shown later; but its importance and the wrong done by its violation are recognised by the enemies as well as by the friends of the Boers. Silence has its own significance, and the scrupulously careful way in which many English authors who profess to write history, refrain from any mention of this Convention, shows clearly that they appreciate but dare not acknowledge the logic of the facts. Nothing could be more misleading than to present a sketch of the relations of the Boers with the British without referring to the Convention of 1852; but it is with travesties of history such as

* Lucas, vol. iv. p. 222, admits that this "concession of independence had been little more than a formal confirmation of what was already in existence."

† No. 1428 of 1852, p. 219; and see *supra*, p. 77.

that, that the English people have been supplied designedly. No wonder if, in the words of Mr. Kipling, they are "given to strong delusion, wholly believing a lie."

If only because of this conspiracy of silence, it cannot too often be repeated that in 1852 the complete independence of the Transvaal Boers and, subsequently, of the South African Republic, which they had created, was acknowledged not only by Great Britain, but by all the leading countries of the world.

NOTE.

CONVENTION OF PEACE, COMMERCE, SLAVE TRADE, ETC., BETWEEN THE ASSISTANT FRONTIER COMMISSIONERS FOR SETTLING THE BOUNDARIES OF THE CAPE OF GOOD HOPE AND THE TRANS-VAAL BOERS.—SAND RIVER, JANUARY 17, 1852.

Minutes of a meeting held in the place of Mr. P. A. Venter, Sand River, on Friday, the 16th day of January, 1852, between Major W. Hogge and C. M. Owen, Esquire, Her Majesty's Assistant Commissioners for the settling and adjusting of the affairs of the eastern and north-eastern boundaries of the colony of the Cape of Good Hope, on the one part, and the following deputation from the emigrant farmers residing north of the Vaal River :—

A. W. J. Pretorius, Commandant-General; H. S. Lombard, Landdrost; W. F. Joubert, Commandant-General; G. J. Krüger, Commandant; J. N. Grobbelaar, Raadslid; P. E. Scholtz; P. G. Wolmarans, Ouderling; J. A. van Aswegen, Veld Cornet; F. J. Botes, Veld Cornet; N. J. S. Basson, Veld Cornet; J. P. Furstenberg, Veld Cornet; J. P. Pretorius, J. H. Grobbelaar, J. M. Lehman, P. Schutte, J. C. Kloppers, on the other part.

The Assistant Commissioners guarantee in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River, the right to manage their own affairs, and to govern themselves, according to their own laws, without any interference on the part of the British Government, and that no encroachments shall be made by the said Government on the territory beyond to the north of the Vaal River, with the further assurance that the warmest wish of the British Government is to promote peace, free trade, and friendly intercourse with the emi-

grant farmers* now inhabiting, or who hereafter may inhabit that country, it being understood that this system of non-interference is binding upon both parties.

Should any misunderstanding hereafter arise as to the true meaning of the words "the Vaal River," this question, in so far as regards the line from the source of that river over the Drakensberg, shall be settled and adjusted by Commissioners chosen by both parties.

Her Majesty's Assistant Commissioners hereby disclaim all alliances whatever and with whomsoever of the coloured nations to the north of the Vaal River.

It is agreed that no slavery is or shall be permitted or practised in the country to the north of the Vaal River by the emigrant farmers.

Mutual facilities and liberty shall be afforded to traders and travellers on both sides of the Vaal River; it being understood that every waggon containing ammunition and fire-arms, coming from the south side of the Vaal River, shall produce a certificate, signed by a British magistrate or other functionary duly authorised to grant such, and which shall state the quantities of such articles contained in said waggon, to the nearest magistrate north of the Vaal River, who shall act in the case as the regulations of the emigrant farmers direct.

It is agreed, that no objection shall be made by any British authority against the emigrant Boers purchasing their supplies of ammunition in any of the British colonies and possessions of South Africa; it being mutually understood that all trade in ammunition with the native tribes is prohibited, both by the British Government and the emigrant farmers, on both sides of the Vaal River.

It is agreed, that so far as possible all criminals and other guilty parties who may fly from justice, either way across the Vaal River, shall be mutually delivered up, if such should be required, and that the British courts, as well as those of the emigrant farmers, shall be mutually open to each other for all legitimate processes, and that summonses for witnesses sent either way across the Vaal River shall be backed by the magistrates on each side of the same respectively, to compel the attendance of such witnesses when required.

It is agreed, that certificates of marriage issued by the proper authorities of the emigrant farmers shall be held valid and sufficient to entitle children of such marriages to receive portions accruing to them in any British colony or possession in South Africa.

It is agreed, that any and every person now in possession of land, and residing in British territory, shall have free right and power to sell his said property, and remove unmolested across the Vaal River, and *vice versa*; it being distinctly understood that this arrangement does not

* See *infra*, p. 221.

comprehend criminals or debtors without providing for the payment of their just and lawful debts.

This done and signed at Sand River aforesaid, this 17th day of January, 1852.

(Signed)

A. W. J. PRETORIUS,
Commandant General.
H. S. LOMBARD, Landdrost.
W. F. JOUBERT, C.G.
G. J. KRÜGER, Commandant.
J. N. GROBBELAAR, R.L.
P. E. SCHOLTZ.
P. G. WOLMARANS, Ouderling.
J. A. VAN ASWBGEN, V.C.
F. J. J. BOTES.
N. J. S. BASSON, V.C.
J. P. FURSTENBERG, V.C.
J. P. PRETORIUS.
J. H. GROBBELAAR.
J. M. LEHMAN.
P. SCHUTTE.
J. C. KLOPPERS.

W. I. HOGGE,
Assistant Commissioner.
C. MOSTYN OWEN,
Assistant Commissioner.

In presence of

JOHN BURNET, Clerk to the Civil Commissioner of Winburg.
J. H. VISAGIE, Secretary.

Approved and confirmed,

GEO. CATHCART, Lieut-General, High Commissioner.
KING WILLIAMSTOWN,
April 15, 1852.

CHAPTER VI

THE ORANGE RIVER SOVEREIGNTY : 1852-1854

(Events culminating in the Bloemfontein Convention)

THE burghers south of the Vaal had two more years of trouble ahead of them before their independence was recognised as that of the Transvaalers had been. The Sand River Convention had benefited them only indirectly, and some of them, at first failing to appreciate what they really had gained by it, made formal complaint to Pretorius. "He replied that he could do nothing for them unless they chose to move across the Vaal, but there they would be welcomed and would have ground assigned to them" (Theal, vol. v. pp. 316, 317). Many of them thereupon joined their countrymen in the Transvaal. Those who had refused obedience to, or had otherwise defied the British authorities, and who remained, nevertheless, in the Sovereignty, were fined by the Commissioners.

A great effort was then made to purchase peace from the Basuto, who had continued to pillage the Sovereignty, and who, according to the reports of British officials, had recently stolen at least ten thousand head of cattle and fifteen hundred horses. Moshesh was allowed to take a high hand in his negotiations with the Commissioners, who promised him that (as the Secretary of State had already intimated should be done)* they would dismiss Major Warden, the

* No. 1428 of 1852, p. 249.

Resident at Bloemfontein, and that, further, they would cause another British official to be arrested. The Basuto willingly accepted these concessions, but did so without the least intention of abiding by their part of the agreement, which bound them to surrender the stolen cattle.*

By proceedings such as this, the Commissioners made confusion worse confounded. They "abandoned all hope of restoring order." The Imperial Government finally grew so tired of the perpetual turmoil, and of the expense resulting therefrom, that it was decided to seize the first available opportunity to withdraw from the Sovereignty. Earl Grey had already written to Sir Harry Smith (October 21, 1851) that "the ultimate abandonment of the Orange Sovereignty should be a settled point in our policy";† and General Cathcart, as High Commissioner, endeavouring to support this resolution, had declared in a despatch to the Secretary of State, dated October 12, 1852, that :

'An acknowledged foreign state, having its seat of government and of commerce at Bloemfontein or elsewhere, and having in consequence concentrated wealth and tangible interests at stake, with a British consul in residence, would be far more easily, effectually, and economically controlled by respect for the power of Her Majesty's concentrated and disposable armed force within the Colony, and form a more secure barrier against barbarians from without, than can ever be accomplished by British political interference and attempted government, *without an expensive military establishment for its support*, as applied to the present heterogeneous and conflicting materials of which society in the vast and unmanageable districts within the boundary of the Orange River territory is composed" (No. 1646 of 1853, p. 70).

Now that matters were going from bad to worse, every possible effort was made to throw off responsibility for the results.

Many of the farmers, however, were of the opinion that as they had protested consistently against the native policy

* Theal, vol. v. pp. 318, 319.

† No. 1428 of 1852, p. 245.

of the British Government, and as the trouble with the Basuto and other tribes had been the direct outcome of that policy, it was not fair to leave them, at the critical moment, to deal unaided with the consequences. For these, and for other reasons referred to later, when Sir George Cathcart, shortly after his assumption of the duties of High Commissioner, "requested Mr. Owen to convene a meeting of representatives to ascertain the opinion of the European inhabitants on the question whether Great Britain held the country with their concurrence or not," the majority of those who assembled refused to take the hint and decided in favour of retaining British authority (Theal, vol. v. pp. 321, 322).

This deprived the British Government of the only possible excuse for leaving the farmers to their fate. It was reluctantly decided, therefore, to bring the Basuto to terms by force, and to employ British troops for the purpose.

'In November of this year [1852] a splendidly equipped force, consisting of nearly two thousand infantry and five hundred cavalry, with two field-guns, marched . . . to the banks of the Caledon. The Governor hoped that the mere presence of such a body of troops would enable him to settle everything to his satisfaction.'

In this he was mistaken, for the Basuto preferred to risk the chances of battle rather than submit to General Cathcart's demand for "ten thousand head of cattle and one thousand horses, to be delivered over to the British Resident at this place within three days' time." Failing the payment of this fine, as General Cathcart wrote to Moshesh on December 14, 1852—

'I must go and take either cattle or other things from you and your people . . . and if resistance be made it will then be war between us, and I must then take three times the amount of cattle, as well as kill many of your people, and destroy their dwellings and kraals' (No. 1646 of 1853, p. 97).

The result of the fighting (December 20, 1852), which took place on the Berea Mountain, was not what had been anticipated. Of the British force, thirty-seven were killed and fifteen were wounded, while the Basuto lost twenty killed and the same number wounded,* a good many of their women being killed and wounded also. General Cathcart's position became untenable, and he retired to his camp by the Caledon.

At this juncture, Moshesh was clever enough to make pressing overtures for peace, which General Cathcart, realising that he had underestimated the Basuto power, hastened to accept, without insisting upon a compliance with his original demands. The troops were then marched back to Cape Colony, while Moshesh sent messengers far and near to announce "that he had gained a great victory, and had driven the English forces from his country."

The white people in the Sovereignty were dumbfounded. Apart from being graciously "empowered to organise for their own defence in case the Basuto should attempt to overrun the country," they were "left to take care of themselves as best they could." Even those among them who were the most loyal to the British Government signed petitions "begging for military protection, or that the inhabitants might be left without interference of any kind to settle matters and to defend themselves in their own way" (Theal, vol. v. pp. 333-335).

* Every Basuto who was seen "to fall from his horse," i.e., to dismount, was counted as a dead man. Consequently, General Cathcart, in his official Report, while declaring that the "precise" number of killed and wounded Basuto could never be ascertained, endeavoured to create the impression that it amounted to "from 500 to 600" (No. 1646 of 1853, p. 94)—purely fanciful figures. Indeed, to judge by the Report, one would suppose that the British had gained a brilliant victory. But in South Africa the facts soon became known, and even Wilmot, reckless champion though he is of everything Imperial, confesses that "Sir George Cathcart's experience at the battle of Berea was by no means an agreeable one. He really had to retreat, and was most gratified when the wily chief of the Basuto astutely sued for peace" (*The Story of the Expansion of South Africa*, p. 142).

It was the latter alternative that the Imperial authorities adopted. As soon as the news of General Cathcart's misadventure reached England, the Duke of Newcastle wrote to the High Commissioner that "Her Majesty's Government have decided to withdraw from the Orange River Sovereignty."

'Yet,' suggests Mr. Theal, 'it would be unjust to accuse the English Minister of heartlessly leaving a few white people to the mercy of an opponent as strong as Moshesh, without looking at the question from his point of view also. In England it was generally believed that the war with the Basuto had been undertaken on behalf of the European settlers, and it was remembered that little more than four years had elapsed since a strong force had been moved to the Sovereignty to establish the Queen's authority over the farmers. The opinion was freely expressed that they had got themselves into a mess, and ought to be left to get out of it as best they could, without expense to the British taxpayer. That the war had been undertaken by the representatives of the Imperial authorities in opposition to the desire of the entire white population of the territory, a few missionaries and sympathisers with their views only excepted, was unknown in England' (Theal, vol. v. p. 334).

In other words, the "Imperialists" of South Africa had had their way; had deceived the English people, and the Boers had to suffer for it.

During the next twelve months heroic efforts were made by the officials of the British Government to shift the burden of its errors on to the shoulders of the burghers. On the 8th of August, 1853, Sir George Russell Clerk, "Special Commissioner for the settling and adjustment of the affairs of the Orange River Sovereignty," arrived at Bloemfontein. (No. 1758 of 1854, p. 23.)

"The country at the time was really in a state of anarchy," "armed bands of blacks traversed the country as they pleased"—"though in Sir George Cathcart's despatches it was constantly represented that tranquility and order had been restored" (Theal, vol. v. p. 340).

This made the Special Commissioner's task all the more

difficult. His duty was plain, however, and he at once called upon the inhabitants of the Sovereignty to elect delegates "for the purpose of determining upon a form of self-government." Seventy-six Dutch South Africans and nineteen Englishmen having been duly elected, they proceeded to appoint a committee from among themselves to consider the matter.

By a unanimous vote of the delegates, the committee was instructed:

'Not to entertain any proposals for the formation of an independent government until the following [among other] questions shall have been adjusted by Her Majesty's Special Commissioner to their entire satisfaction:—(1) The settlement of the Griqualand question. (2) The adjustment of the boundary line between the Basuto territory and the Sovereignty. (3) The question of the interference of the British Government between natives and the European inhabitants of this country. . . . (6) The share justly belonging [to] this country of the custom dues received at the ports of the Cape Colony, or Natal, or the cession of a port in either of these Colonies. (7) The complete or conditional absolution of the inhabitants from their allegiance to the British Crown. . . . (9) That all treaties with natives at present existing, be cancelled.'*

After some correspondence with Sir George Clerk, who does not appear to have satisfied them on these points, the committee adopted a constitution which was designed to leave the new government of the country under the protection of Great Britain.

The situation was complicated. In some respects it was remarkable. Sir George Clerk, the Special Commissioner, and General Cathcart, the High Commissioner, both agreed that the large majority of the population desired to be independent. In a despatch to the Duke of Newcastle, at that time Secretary of State for the Colonies, Sir George Clerk said (August 25, 1853):

* No. 1758 of 1854, p. 44. See *infra*, p. 206, for further reference to the question numbered 6 in the above list.

'Your Grace is no doubt aware that in reviewing the former policy of the British Government, one cannot escape from the painful conviction, with reference to the interest and the feelings of the Dutch inhabitants of the Cape Colony, that the measures which, with few exceptions, it pursued towards them, and the neglect or disdain with which it habitually regarded them, have engendered a spirit which leaves them, with few exceptions, by no means desirous of remaining anywhere under British dominion; and least so in this quarter, to which and beyond it, as a last resort, migrated many years ago with wives and children that portion of the Dutch community who felt their position within the Colony so unsatisfactory and insecure as to be insufferable' (No. 1758 of 1854, p. 24).

And as "the entire Dutch population throughout this territory, outnumber the English in the proportion of twenty to one,"* the result was, still in the words of the Special Commissioner, that the sentiments of the majority "continue to be what they ever have been; they are averse to British administration." †

'Nevertheless, the untiring zeal of the Scotch Presbyterian clergyman of the Dutch church here, ‡ and the contrivances suggested by the keen instinct of the few but largely speculating Englishmen, supported by the cordial good will of every man in the Government paid civil establishments, who, though not settlers or intending to be settlers, are *active land speculators*, § seem likely to represent public opinion to be very

* No. 1758 of 1854, p. 34.

† No. 1758 of 1854, p. 39.

‡ This Scotch Presbyterian clergyman was the Rev. Andrew Murray, whose personal disinterestedness and high moral purpose no one could possibly question. There is reason to believe, however, that Sir William Molesworth was right when he said that owing to "the taste for spirituous liquors" and "the ardent desire for muskets and gunpowder" which had arisen among the Kaffirs as "the only result" (at that time) of trying to improve them,—"many of the missionaries have turned their attention to the sale of temporal commodities, and as shopkeepers, they have a strong pecuniary interest in the permanent union of the Orange River territory to the British dominions" (*Materials for a Speech, etc.*, p. 28).

§ There were twelve British Civil servants, all of them receiving very small salaries, that of the "British Resident and Treasurer-General" being but £600 a year. Nevertheless, between them, they owned 310,686 acres of land in the Sovereignty (p. 53 of the same Blue Book). How this land had been obtained is not fully revealed by the Special Commissioner. He speaks of these officials "abusing official influence and authority for purposes of private speculations" (p. 72); he refers to grants of land "purchased, or received in free gift, or

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much the reverse of what I believe it really to be' (No. 1758 of 1854, p. 34).

'... The prospect of a government being established here on the basis of admitting the representatives of the large majority of the inhabitants to a proportionate share of power, is viewed by the English speculators here, and by their deluded creditors in the Cape Colony, with the utmost dismay. They remember that one of the fundamental laws of the Emigrant Government was, that "any absentee of a year's standing forfeited his rights"; and they feel convinced that the re-enactment of this salutary rule will ensue immediately on the restoration of independent administration by the burghers' (No. 1758 of 1854, p. 57).

Consequently, these "English speculators in land and trade, and in the consumption by British troops in quarters, *but more especially when required in the field,*"* have "represented the measure of withdrawal by the British Government as merely a means used for ascertaining who are well disposed, so that, as they give out, those whose sentiments may be manifestly opposed to British rule by agreeing to any sort of government of their own, may hereafter be known and discountenanced"—by the land-speculating civil officials!†

scrambled for, when in 1848 these were sequestered from the rebel and absent Boers" (p. 32); but he gives specific information only in the case of the British Resident, in regard to whose land speculations he says: "It is only since I came here, and made a stir regarding the balances outstanding, that the British Resident himself has paid in the price of £20 each, at which he was allowed three years ago, when holding a commissariat appointment at this place, to purchase (as it was called) several 'farms,' or lots of land, of ten or fifteen thousand acres each, in the Harrismith district" (p. 65).

* The words in italics account for more than one of England's wars in South Africa.

† No. 1758 of 1854, pp. 39, 35. Sir George Clerk, Special Commissioner, in a despatch to the Duke of Newcastle, Secretary of State for the Colonies (writing from Bloemfontein on October 8, 1853), said:—

"Few persons are better qualified to express correct opinions regarding the feelings of the Boers than Major Warden, an officer of twenty-five years' active and distinguished service in the British Army in Africa, and subsequently, during five years, filling the office of British resident at this place. . . . Major Warden is moreover connected with the Dutch community by marriage, and lives retired with his large family on his farm, at a short distance from Bloemfontein. He observed to me only a few days ago, that the manner in which, to use his own expression, 'the Dutch delegates generally were deceived, and not allowed to express their real sentiments, was clear to every one observing what was going on.' He also remarked to me, that many things for years past had

These representations, and the disinclination of many of the Boers to absolve the British authorities from responsibility for the threatening attitude of the Basuto, combined at first to induce the Dutch delegates to give their English colleagues a free hand; the result being, as we have seen already, that the committee appointed by the main body drew up a form of constitution designed to leave the new government of the country subordinate to the British Government.

This forced Sir George Clerk into the arms of the most extreme anti-English section of the Dutch population—the avowed Republicans, the erstwhile “irreconcilables” and “rebels,” who were willing to assume any risks and any responsibility if only they could obtain their independence. Those who, for one reason or another, desired to preserve their connection with the British Crown, became “the obstructionists.”*

While, therefore, most of the former Dutch delegates returned to their farms “weary with discussion, and disheartened by the difficulties which they feel to be thrown around them by the tricky character of the schemes of their British neighbours,”† the Republicans formally offered to meet the wishes of the Imperial Government on these conditions:—

- ‘(1) Release of the inhabitants from Her Majesty’s rule.
- ‘(2) Settlement of the affairs of the Griqua land.

satisfied him that the British Administration is not here acceptable to the Boers, and that, among other circumstances corroborative of this, was his own distinct experience of the far greater degree of influence which he found he could exercise over them, when stationed here as British Resident, previous to 1848, in a merely diplomatic capacity, than subsequently to that period when Sir H. Smith, having proclaimed the British sovereignty throughout these immense tracts of country, occupied wherever inhabited by Boers and various native tribes, placed him in the position of the head of an English Administration then introduced throughout the whole territory. Our conversation on this subject terminated by Major Warden’s impressively adding, ‘From that day, Sir, I lost all my influence’” (No. 1758 of 1854, p. 40).

* Theal, vol. v. p. 343.

† Sir George Clerk, in No. 1758 of 1854, p. 35.

'(3) Cancellation of all treaties at present existing with neighbouring native tribes, and non-interference of the British Government between the whites and natives.

'(4) Compensation for confiscated farms, and the refunding of fines imposed for political offences.'

And a fifth condition giving the burghers the right to purchase munitions of war, etc., in England and in all British Colonies, with "free importation of all goods to this country by the way of said ports," in Cape Colony and Natal. (No. 1758 of 1854, p. 62.)

These conditions, with the exception of the latter part of the fifth, were incorporated ultimately by the Commissioner in the Convention which he drafted, although afterwards he was obliged "to leave the complicated Griqua question for solution by the new Government" (Theal, vol. v. p. 358).

The party of "obstruction" soon dwindled to comparative insignificance, and on February 23, 1854, a Convention was signed at Bloemfontein, by Sir George Russell Clerk, as Her Majesty's Special Commissioner, and by G. J. du Toit, J. J. Venter, J. T. Snyman, J. J. Rabie, M. J. Wessels, P. M. Bester, and several others, on behalf of the districts they represented.

In a despatch dated from "Downing Street, November 14, 1853," the Duke of Newcastle, as Secretary of State for the Colonies, had instructed Sir George Clerk that "the bases" of the proposed Convention should be "in the form of Articles to which Her Majesty's Government will take care on their own part to give the binding effect, so far as is necessary, of a *treaty between independent powers*. *The articles agreed on with the Transvaal Boers appear to furnish a ready precedent for such a Convention.*"*

In thus defining the status of the South African Republic, and of the neighbouring Republic about to be created, the

* No. 1758 of 1854, p. 88, and see *supra* p. 80.

Duke of Newcastle merely paraphrased the wording of the Sand River Convention; but his words are important in view of the treatment to which the Orange River burghers had to submit subsequently. Nothing could be more explicit, however, than the terms of the actual Convention entered into, in which Sir George Clerk sought to embody the Duke of Newcastle's idea. The first article of the Convention reads as follows:

'Art. 1.—Her Majesty's Special Commissioner, in entering into a Convention for finally transferring the Government of the Orange River Territory to the Representatives delegated by the inhabitants to receive it, *guarantees on the part of Her Majesty's Government, the future independence of that country and its Government*; and that, after the necessary preliminary arrangements for making over the same between Her Majesty's Special Commissioner and the said Representatives shall have been completed, the inhabitants of the Territory shall then be free. And that this independence shall, without unnecessary delay be confirmed and ratified by an instrument, promulgated in such form and substance as Her Majesty may approve, finally freeing from their allegiance to the British Crown, and *declaring them to all intents and purposes a free and independent people, and their Government to be treated and considered thenceforth as a free and independent Government.*' *

So far as the Basuto were concerned the burghers were left to settle their relations with them as best they could. It will be seen later how they had to suffer for allowing the British Commissioner to leave this question to be solved by them. For the time being, however, they were at least left with a free hand to manage their own affairs in their own way. The Orange River Sovereignty had been converted into the Orange Free State.

Yet, no more than in the case of the Transvaalers in 1852, can it be argued that the Free State burghers owed a debt of gratitude to the British Government for the con-

* The full text of the Bloemfontein Convention is given in a Note at the end of this Chapter.

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cessions made in this Convention. When they had demanded their independence, it had been refused; when, through the blunders of the British authorities, the country had been reduced to a state of anarchy, their independence was thrust upon them. They accepted it, and made the best they could of it, but for many years to come their task was one that would have strained the resources of most old-established states.

NOTE.

BLOEMFONTEIN CONVENTION OF 1854.

Articles of Convention entered into between Sir George Russel Clerk, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Special Commissioner for settling and adjusting the affairs of the Orange River Territory, on the one part, and the under-mentioned representatives, delegated by the inhabitants of the said territory :—

For the District of Bloemfontein.—George Frederik Linde, Gerhardus Johannes du Toit, Field-cornet, Jacobus Johannes Venter, Dirk Johannes Kramfort.

For the District of Smithfield.—Josias Philip Hoffman, Hendrik Johannes Weber, Justice of the Peace and Field-commandant, Petrus Arnoldus Human, Jacobus Theodorus Snyman, Field-cornet, Petrus van der Walt, senr. (absent on leave).

For Sannah's Poort.—Gert Petrus Visser, Justice of the Peace, Jacobus Groenendaal, Johannes Jacobus Rabie, Field-cornet, Esias Rynier Snyman, Charl Petrus du Toit, Hendrik Lodewicus du Toit.

For the District of Winburg.—Fredrik Peter Schnehage, Matheys Johannes Wessels, Cornelis Johannes Fredrik du Plooy, Fredrik Petrus Sennekal, Field-cornet, Petrus Lafras Moolman, Field-cornet, Johan Isaak Jacobus Fick, Justice of the Peace.

For the District of Harrismith.—Paul Michiel Bester, Justice of the Peace, Willem Ardriaan van Aardt, Field-cornet, Willem Jurgens Pretorius, Johannes Jurgen Bornman, Hendrik Venter (absent on leave), Adriaan Hendrik Stander,

On the other part.

Article 1. Her Majesty's Special Commissioner, in entering into a Convention for finally transferring the Government of the Orange River Territory to the representatives delegated by the inhabitants to receive it, guarantees, on the part of Her Majesty's Government, the future independence of that country and its government; and that, after the necessary preliminary arrangements for making over the same between Her Majesty's Special Commissioner and the said representatives shall have been completed, the inhabitants of the country shall then be free. And that this independence shall, without unnecessary delay, be confirmed and ratified by an instrument, promulgated in such form and substance as Her Majesty may approve, finally freeing them from their allegiance to the British Crown, and declaring them, to all intents and purposes, a free and independent people, and their Government to be treated and considered thenceforth a free and independent Government.

2. The British Government has no alliance whatever with any native Chiefs or tribes to the northward of the Orange River, with the exception of the Griqua Chief, Captain Adam Kok; and Her Majesty's Government has no wish or intention to enter hereafter into any treaties which may be injurious or prejudicial to the interests of the Orange River Government.

3. With regard to the treaty existing between the British Government and the Chief Captain Adam Kok, some modification of it is indispensable. Contrary to the provisions of that treaty the sale of lands in the Inalienable Territory, has been of frequent occurrence, and the principal object of the treaty thus disregarded. Her Majesty's Government therefore intends to remove all restrictions preventing Griquas from selling their lands, and measures are in progress for the purpose of affording every facility for such transactions, the Chief, Adam Kok, having, for himself, concurred in and sanctioned the same. And with regard to those further alterations arising out of the proposed revision of relations with Captain Adam Kok, in consequence of the aforesaid sales of lands having from time to time been effected in the Inalienable Territory contrary to the stipulations of the Maitland Treaty, it is the intention of Her Majesty's Special Commissioner, personally, without any unnecessary loss of time, to establish the affairs in Griqualand on a footing suitable to the just expectations of all parties.

4. After the withdrawal of Her Majesty's Government from the Orange River Territory the new Orange River Government shall not permit any vexatious proceedings towards those of Her Majesty's present subjects remaining within the Orange River Territory who may heretofore have been acting under the authority of Her Majesty's Government, for or on account of any acts lawfully done by them, that is, under the law as it existed during the occupation of the Orange

River Territory by the British Government. Such persons shall be considered to be guaranteed in the possession of their estates by the new Orange River Government.

Also, with regard to those of Her Majesty's present subjects who may prefer to return under the dominion and authority of Her Majesty to remaining where they now are, as subjects of the Orange River Government, such persons shall enjoy full right and facility for the transfer of their properties, should they desire to leave the country under the Orange River Government at any subsequent period within three years from the date of this convention.

5. Her Majesty's Government and the Orange River Government shall, within their respective territories, mutually use every exertion for the suppression of crime, and keeping the peace, by apprehending and delivering up all criminals who may have escaped or fled from justice either way across the Orange River, and the courts, as well the British as those of the Orange River Government, shall be mutually open and available to the inhabitants of both territories for all lawful processes. And all summonses for witnesses directed either way across the Orange River, shall be countersigned by the magistrates of both Governments respectively, to compel the attendance of such witnesses, when and where they may be required, thus affording to the community north of the Orange River every assistance from the British courts, and giving, on the other hand, assurance to such Colonial merchants and traders as have naturally entered into credit transactions in the Orange River Territory during its occupation by the British Government, and to whom, in many cases, debts may be owing, every facility for the recovery of just claims in the courts of the Orange River Government. And Her Majesty's Special Commissioner will recommend the adoption of the like reciprocal privileges by the Government of Natal in its relations with the Orange River Government.

6. Certificates issued by the proper authorities, as well in the Colonies and Possessions of Her Majesty as in the Orange River Territory, shall be held valid and sufficient to entitle heirs of lawful marriages, and legatees, to receive portions and legacies accruing to them respectively, either within the jurisdiction of the British or Orange River Government.

7. The Orange River Government shall, as hitherto, permit no slavery, or trade in slaves, in their territory north of the Orange River.

8. The Orange River Government shall have freedom to purchase their supplies of ammunition in any British Colony or Possession in South Africa, subject to the laws provided for the regulation of the sale and transit of ammunition in such Colonies and Possessions; and Her Majesty's Special Commissioner will recommend to the Colonial Government, that privileges of a liberal character, in connexion of import

duties generally, be granted to the Orange River Government, as measures in regard to which it is entitled to be treated with every indulgence, in consideration of its peculiar position and distance from the sea-ports.

9. In order to promote mutual facilities and liberty to traders and travellers, as well in the British Possessions as in those of the Orange River Government, and it being the earnest wish of Her Majesty's Government that a friendly intercourse between these territories should at all times subsist, and be promoted by every possible arrangement, a consul or agent of the British Government, whose especial attention shall be directed to the promotion of these desirable objects, will be stationed within the Colony near to the frontier, to whom access at all times may readily be had by the inhabitants on both sides of the Orange River, for advice and information, as circumstances may require.

This done and signed at Bloemfontein, on the Twenty-third day of February, One Thousand Eight hundred and Fifty-four.

(Signed) GEO. RUSSEL CLERK,
Her Majesty's Special Commissioner.

(Signed)
JOSIAS PHILIP HOFFMAN,
President,
G. J. DU TOIT, Field-cornet.
J. J. VENTER,
D. J. KRAMFORT,
H. J. WEBER, Justice of the Peace
and Field-commandant.
P. A. HUMAN,
J. P. SNYMAN, late Field-com-
mandant,
G. P. VISSER, Justice of the Peace,
J. GROENENDAAL,
J. J. RABIE, Field-cornet,
E. R. SNYMAN,

(Signed)
C. P. DU TOIT,
H. L. DU TOIT,
F. P. SCHNEHAGE,
M. J. WESSELS,
C. J. F. DU PLOOY.
F. P. SENNEKAL, Field-cornet,
P. L. MOOLMAN, Field-cornet,
J. I. J. FICK, Justice of the Peace,
P. M. BESTER, Justice of the
Peace,
W. A. VAN AARDT, Field-cornet,
W. J. PRETORIUS,
J. J. BORNMAN,
A. H. STANDER.

CHAPTER VII

THE ORANGE FREE STATE : 1855-1867

(Conflicts with the Basuto)

AS it is our purpose not to give a detailed history of South Africa, but only to review the relations of the Boers, first with Great Britain and secondly with the natives—with the natives only in so far as dealings with them brought the Boers into contact with Great Britain—it would be out of place to enter into the local politics of the Republics, until, with the discovery of gold and the introduction of a large foreign element into the Transvaal, many questions that were really of a domestic nature were dragged into the arena of international disputation. It need merely be said, therefore, that it took some time for the men who had trekked north, across the Vaal, to settle down as units in a corporate body. They were men of independent will, and were at first disinclined to submit to any constituted authority. They were, in brief, suffering from a reaction following the coercion and ill-treatment from which they had escaped. Experience soon taught them that without interdependence true independence is impossible ; but while they were learning this the country suffered considerably from internal discord. Harmony was restored, when, in 1864, M. W. Pretorius was elected President and S. J. P. Krüger, Commandant-General.*

* For further information on this subject see President Krüger's *Memoirs*.

The Orange Free State did not suffer in this way to the same extent, perhaps because almost from the first its burghers were busy defending their lives and property against the Basuto.

The Griqua difficulty, which Sir George Clerk had failed to settle, was arranged in 1861, when the chief of the tribe in question and his council, for the sum of four thousand pounds, sold all their territory and rights north of the Orange River to the Free State Government. But the trouble with the Basuto was of a very different order.

The Basuto were powerful. They outnumbered the Free State Boers by twelve to one. They were under the control of a chief who was one of the ablest natives that South Africa has produced. Policy and principle alike suggested to the burghers that they should be conciliatory. So they elected, as the first President of the Orange Free State, Mr. J. P. Hoffman, "a philanthropist of the same school as Wilberforce and Buxton."

These efforts to maintain relations of amity were wasted on the Basuto. Their encounter with the troops under General Cathcart had encouraged rather than checked their predatory habits. So they continued to pillage the farmers' cattle, while Moshesh, although verbally deprecating war, failed methodically to make restitution for the damage his people were doing, and even refused to recognise the boundary between his own and Free State territory, which had been defined years before by Major Warden on behalf of the British Government and which had been acknowledged as the proper boundary by that Government when the Free State had taken over the country.

What Moshesh really wanted was land, and, as a means to that end, he wanted war.

'He did not fear the Free State in the least, but he was too astute to draw upon himself the enmity of the Colonial Government at the same

time. He was therefore secretly intriguing with the coast tribes, with a view of keeping the attention of the [Cape and Natal] Colonists occupied nearer home, while he was endeavouring to make Sir George Grey [Governor of Cape Colony and High Commissioner] believe that he was doing everything possible to preserve peace. . . . Sir George Grey, however, was not the man to be so deceived.*

The Governor was aware that the most powerful chief on the eastern frontier of Cape Colony was making preparations, at the instigation of Moshesh, for an invasion of colonial territory.

Matters in the Free State reached their climax when the Basuto took forcible possession of several farms within the State, a brother of Moshesh being the principal culprit. Outnumbered as they were, the burghers knew that their only safety lay in vigorous attack. So on the 19th of March, 1858, the Free State Government declared war.

Throughout the hostilities that followed the Free Staters were victorious whenever they came into contact with the Basuto, but the numerical superiority of the latter enabled them to send armed bands to the rear of the burgher commandos into Free State territory, many districts of which were in this way devastated. The Government soon realised that it would be best to arrange terms of peace, and as it was felt that the war was an outcome of the maladministration of the former British authorities, Mr. Boshof, who had replaced Mr. Hoffman as President, did not hesitate to appeal to Sir George Grey to act as mediator. The Cape Parliament having cordially endorsed this appeal, Sir George Grey consented to act, and succeeded, although with considerable difficulty, in framing a treaty, thereafter

* Theal, vol. vi. p. 21. Moshesh had done the same thing during his struggle with Major Warden in 1851, having written to Sir Harry Smith that he was "no enemy to the Queen," and that he was merely defending himself. Sir Harry Smith had replied that it "is well known throughout Kaffirland that weekly messages pass between you and Kreili and Sandili" [two of the Kaffir chiefs who were then at war with the British], "and that it is by your advice they continue enemies of the Queen" (No. 1428 of 1852, p. 197).

known as the Treaty of Aliwal North, the terms of which were accepted by both parties. On October 15, 1858, Moshesh affixed his seal and mark to this treaty, but did so "with no intention of adhering to it" (Theal, vol. vi. p. 72).

During the next three years, in spite of continual pillaging and the occasional murder of isolated farmers by the Basuto, every effort was made by the Free State to avoid formal hostilities. But as soon as Sir George Grey—"of whose penetrating eye Moshesh had always stood in awe"—had left South Africa, the Basuto felt secure. Moshesh at last "spoke what he meant without any reservation or deception." "He would not acknowledge a boundary line, nor had he any intention of withdrawing his subjects from the Winburg farms," as he had agreed to do in the treaty of three years before. The Free State, however, was not yet strong enough to resent this open defiance. So deputation after deputation was sent to the Basuto chief to try to arrange a *modus vivendi*; commission after commission was appointed to regulate affairs on the boundary: but without any practical result, for the chief remained defiant and his people continued their inroads.

On several occasions the Free State Government had appealed to Sir Philip Wodehouse, who had succeeded Sir George Grey in 1862, to arbitrate the boundary question, but he had invariably replied that before consenting to do so, both parties would have to enter into a formal agreement to abide by his verdict. Moshesh had managed to avoid complying with this condition, until, in 1864, the Governor sent a personal representative to ascertain definitely whether or not he would sign an act of acceptance. With a clear issue thus presented to him, Moshesh, still anxious to avoid embroiling his tribe with Cape Colony as well as with the Free State, found it impossible to refuse his consent. If he had had the least reliance on the justice

of his case, he would not have thought of refusal, for Sir Philip Wodehouse had shown himself from the first most unfriendly to the Boers, and, as the Boers saw it, in one case at least, offensively friendly to the Basuto: while Governor of Cape Colony, at a time when he was receiving innumerable letters informing him of the distress and danger of the white people on the Free State border, he presented Moshesh with a quantity of gunpowder! (Theal, vol. vi. p. 116.)

Although aware of Sir Philip Wodehouse's hostile attitude toward themselves, or perhaps merely toward republicanism in general,* the burghers welcomed the prospect of a final settlement. They knew that their boundary had been "defined by Major Warden, proclaimed by Sir Harry Smith, and ratified in the Treaty of Aliwal North" (1858), and they supposed that the Governor would point this line out and confirm it. When he insisted upon being granted larger powers, they went so far, in their desire to avoid further friction, as to empower his Excellency "to make such modifications in the strict description of the line of Major Warden," as he "might consider fair and just," thus leaving him at liberty to define their boundary as he might see fit. (No. 4140 of 1869, p. 45.)

After a careful inspection of the disputed territory and after hearing the evidence on both sides, Sir Philip Wodehouse decided that the Free State was in the right.

* Sir Philip Wodehouse was opposed even to Responsible Government, and in view of recent efforts to abolish the semi-responsible form of government which is now operative in Cape Colony, it is of interest to note the grounds on which this earlier High Commissioner based his antagonism. In a despatch to Lord Granville, dated January 17, 1870 (No. 181 of 1870, pp. 17, 20), he said: "I have never regarded Responsible Government as applied to a Colony, more properly speaking a dependency, as anything less than an absolute contradiction in terms. How can a ministry responsible to its own constituencies *render obedience to the permanent power*." And he then defined the "permanent power" as the "Imperial Government," acting, of course, through the High Commissioner. It would be instructive to hear the comments of Australian and Canadian statesmen if the same argument were applied in their case.

He wrote as follows to Moshesh to inform him of the award :

‘I have satisfied myself that the line known as the Warden line was so drawn as to do no more, except in one portion, than preserve the farms for which British certificates have been given ; and likewise that up to the time of the signing of the Aliwal Treaty the rights of the owners of the farms had not been questioned, nor their possession disturbed. What is the present state of affairs ? From one end of the line to the other, and in most cases a considerable distance within the line, parties of your tribe, without a pretence of right, and without any formal declaration on your part, have squatted on the several farms, have established villages, cultivated large tracts of land, introduced large quantities of cattle, and have by intimidation driven off the lawful owners. Everywhere are to be seen deserted and roofless farm-houses, with valuable orchards fast going to destruction ’ (Quoted by Theal, vol. vi. p. 117).

Moshesh pretended to accept the award, but at a big meeting of his chiefs, he arranged to renew hostilities just as soon as this could be done without forfeiting the sympathy of the British Governor. In other words, it was decided to conduct negotiations in such a way that the Free State would be compelled to take the initiative. Moshesh would then be able to raise the cry which since then has become so notorious : “ The Boers began it ! ”

Negotiations, in this case, took the form of cattle-lifting, which was at once resumed on a more extensive scale than ever. Farms were plundered and their owners were assaulted and beaten. At first these outrages were met with formal protests only, but in time they became intolerable—as was intended—and in June, 1865, the President of the Free State, in his extremity, issued what Moshesh probably stigmatised as an “ insolent ultimatum.” This demanded the payment of a nominal compensation (fifty head of cattle) for the damage done, failing which, war would again be declared. As Moshesh made no reply, on the 9th of June the President called the burghers to arms.

The population of the Free State had increased since the

last war, but its inhabitants were still outnumbered by the Basuto, now by about five, instead of by twelve to one. In order to make up for this deficiency, every possible effort was made to increase the strength of the fighting ranks, with such success that if the same proportion of the inhabitants of Great Britain were to leave on foreign service, they would form an army of more than two millions.

The result justified the effort. The Free State forces were victorious, and in April, 1866, Moshesh was obliged to agree to terms of peace that were entirely satisfactory to the Free State. These terms, embodied in a document known as the Treaty of Thaba Bosigo, provided for a new boundary, and for the payment by Moshesh of three thousand head of cattle as a penalty for the thefts of his people. (No. 4140 of 1869, p. 99.)

But the struggle left bitter memories. Unarmed boys and old men had been murdered and mutilated by the Basuto; and the Free Staters—who at that time might reasonably have looked for some assistance from the representative of the British Government, particularly as the Basuto, in the midst of the war, had raided cattle from the Colony of Natal—had chillingly been notified that British subjects had been warned against assisting either belligerent.

Unfortunately, too, it soon became evident that Moshesh had again made peace in bad faith, and that he and his tribe were merely waiting, before renewing the contest, until they could gather their crops. On May 13, 1867, Moshesh wrote to the Secretary for Native Affairs in Natal giving him clearly to understand that he had no intention to abide by the Treaty, and speaking of “the present war,” as if war had already been declared by him. (No. 4140 of 1869, p. 105.) Then, as soon as the crops had been harvested, “Moshesh denied all knowledge of the cession of land by the Treaty of Thaba Bosigo, and publicly announced that

he would not allow Europeans to settle on it. . . . All disguise was cast aside, and Moshesh's tribe was seen to be in perfect readiness for war" (Theal, vol. vi. pp. 254-255). In July, 1867, tidings reached Bloemfontein that a band of Basuto had seized a farm in Free State territory and had murdered the owner. The burghers were at once called out, and in the following September gained a decisive victory, taking by storm one of the strongest natural fortresses in Basutoland. By the close of the year—in the words of a later Governor of Cape Colony, Sir Hercules Robinson—"The Basuto were at their last gasp."

'They had lost 2,000 men, killed during the war. Their stock had been captured. Their houses, waggons, ploughs, and crops had been destroyed. They were perishing in large numbers from famine and fever, and they were on the point of being broken up as a tribe.'*

* Sir Hercules Robinson, in a Memorandum submitted to the Secretary of State in May, 1883; C. 3708, p. 6.

CHAPTER VIII

THE ORANGE FREE STATE: 1867-1870

(Great Britain annexes Basutoland)

AS soon as Moshesh realised that he was beaten beyond hope of recovery, he sent a confidential messenger to the British authorities to urge that he and his tribe might be taken under the protection of Great Britain.* Sir Philip Wodehouse strongly supported this appeal when communicating it to the Secretary of State in London, and was informed in reply (December 9, 1867), that the Government had "come to the conclusion that the peace and welfare of Her Majesty's possessions in South Africa would be best promoted by accepting the overtures made by that chief."† The substance of this reply was communicated promptly to the President of the Free State, the High Commissioner at the same time recommending him to suspend hostilities. The President, in an answering despatch dated January 31, 1868, said:

'With the experience we have of the reliance that can be placed on the promises of the Basuto Chief Moshesh, I think it would be unsafe to suspend hostilities against the Basuto, at the moment that the object of the war is nearly accomplished, and when our arms are, under God's

* No. 4140 of 1869, p. 19.

† Ibid., p. 86.

blessing, everywhere successful, trusting merely to the good faith and the inclination and power of Moshesh to make his people comply with the Treaty of Thaba Bosigo' (No. 4140 of 1869, p. 27).

The President then suggested that the adoption of the Basuto as British subjects would conflict seriously with the second article of the Convention of 1854, and declared, finally, that in his opinion the course proposed would not promote the general peace of South Africa. Sir Philip Wodehouse's response to this moderately worded protest was to violate yet another article of the Convention. He issued directions that no ammunition should pass from the Colonies to the Free State (No. 4140 of 1869, p. 39) although Article 8 provided that:

'The Orange River Government shall have freedom to purchase their supplies of ammunition in any British Colony or possession in South Africa.'

Shortly after this, the Free State forces met with another great success—"considered by the Basuto the severest blow they had received since the formation of the tribe by Moshesh." As soon as the news of it reached him, the High Commissioner telegraphed to the Civil Commissioner residing nearest to the Basuto border to—

'Inform the Basuto that I will use my utmost endeavours to assist them as soon as circumstances will permit me to do so. In the meantime it is desirable that they should make every exertion to embarrass the movements of the Boers; and, above all, let them take care to reoccupy the ground as soon as the commandos move off' (No. 4140 of 1869, p. 32).

That telegram was sent on February 17th, before Basutoland had been declared to be British territory, and while Great Britain was supposed to be a neutral onlooker!

The Governor had already written to the Commandant of the Cape Frontier Police to move as many men as

possible on to the border. A proclamation was then issued (March 12, 1868), declaring Basutoland to be British territory and the Basuto to be British subjects. Two days later the Commandant of Police was ordered "to lose no time in proceeding to the assistance of the Basuto." *

'[The Proclamation] was received by the majority of Europeans in South Africa with great disfavour, for there was almost universal sympathy with the Free State. Many even regarded the interference of the High Commissioner as a wrong, which sooner or later would surely be followed by retribution. There could be no permanent peace, it was asserted, until the Basuto tribe was reduced to submission. If ever there was a war in which all the justice lay on one side, it was certainly this one. The little Free State, whose total white population was only thirty-seven thousand souls, had nearly succeeded in doing that which Great Britain herself had failed to accomplish, and just when victory was certain its fruits were snatched away by the hand that ought to have been most friendly. Language such as this was not confined to Dutch-speaking people; many men of English descent expressed themselves with equal feeling on the subject' (Theal, vol. vi. pp. 268, 269).

By the burghers of the Free State it was felt that they had been both unjustly and ungenerously dealt with.

'Unjustly, inasmuch as the Convention of 1854 had been violated by the reception of the Basuto as British subjects, and by the prohibition of the sale of ammunition to the Republic by merchants in the Colony. Ungenerously, inasmuch as the little State, which had been thrown upon its own resources by England owing solely to the difficulty of dealing with the Basuto, had made enormous sacrifices to punish the disturber of the peace of South Africa, and was therefore entitled to the sympathy of Her Majesty's Government' (Theal, vol. vi. p. 273).

By the Basuto it was realised perfectly that Great Britain had adopted a dog-in-the-manger policy, and had

* No. 4140 of 1869, p. 40. Sir Philip Wodehouse, writing to the Secretary of State on July 30, 1869, described his action as follows: "At the time of my intervention in their favour, the Basuto were in extreme difficulties; the Boers were pressing them at all points; their forces were within a few miles of Mosheh's residence, Thaba Bosigo. In order to rescue them from this position, I suddenly proclaimed them to be British subjects, and their territory to be British territory" (C. 18 of 1870, p. 28).

accepted their allegiance and their country—knowing that the possession of both would be nominal—simply in order to prevent the Free State from acquiring additional territory. They used British jealousy for their own purposes, and the ease with which they did so by no means increased their respect for their protectors.

In England it was represented, of course, that a tribe of poor, harmless natives had been rescued—nobly and magnanimously—from a host of bloodthirsty Boers. That, in 1851, a British Governor, Sir Harry Smith, had pronounced Moshesh guilty of “subterfuge, duplicity, and evasion”; and that another British Governor, Sir George Cathcart, had denounced the Basuto as “a nation of thieves,” was conveniently forgotten.*

Just or unjust, the action of Great Britain could not possibly be resisted by the Free State. The High Commissioner instructed the Commandant of the Cape Frontier Police “to take the earliest opportunity of making known to those in command of the Free State forces, as well as to the people in general, that the Basuto have become British subjects, and that you have been directed to support them against any further attacks” (No. 4140 of 1869, p. 40). Negotiations were carried on between the President and the High Commissioner, but as the latter was believed to be hopelessly prejudiced against the burghers, a delegation was sent to London “to remonstrate with Her Majesty’s Government in person,” and to request that an impartial commission should be sent from England to examine the case on the spot. (No. 4140 of 1869, pp. 44, 78.)

This request was refused.

During the next eleven months, in the neighbourhood of the frontier between Basutoland and the Free State, the confusion was indescribable. The Free State recognised the old boundary defined in the Treaty of Thaba Bosigo;

* No. 1360 of 1851, p. 24; and see Lindley, pp. viii, 63.

the Basuto recognised no boundary at all. While, by the British, "there was no attempt made to enforce authority, or to secure the observance of any law, English or Basuto. . . . The chiefs did each as he saw fit" (Theal, vol. vi. p. 283). The raiding of the farmers' cattle was resumed, now with impunity, for now the thieves were British subjects who, because they lived on British territory, could no longer be chased and punished.

A conference between the High Commissioner and delegates from the Free State was held at Aliwal North in February, 1869, and after lengthy discussion a Convention was signed which defined a new boundary. (C. 18 of 1870, pp. 6-19.) It was many months, however, before this Convention was ratified, and meanwhile Basutoland "remained a scene of confusion and violence." Her Majesty's new subjects proved far from willing, and the High Commissioner's Agent, who lived in their midst, described the situation as one of "treason on every side" (Theal, vol. vi. p. 291).

One cause of the delay in ratifying the Convention was the refusal of the Secretary of State to give his consent to a clause which provided for "arbitration with regard to the claim of the Orange Free State to compensation for the abandonment of the land" restored to the Basuto. He announced that if that article were insisted upon, "the Convention must be annulled"; and so anxious was the President of the Free State, in view of the anarchy on the border, not to place any obstacle in the way of a final settlement, that he took it upon himself to agree to the Secretary of State's amendment. (C. 18 of 1870, pp. 35, 40.) The Treaty, known as the Second Convention of Aliwal North, was then accepted by the British Government, the Volksraad endorsing the President's action as soon afterwards as possible (May, 1870).

Except for continual depredations across the boundary by

the Basuto—which for years the British authorities proved utterly unable to prevent*—the ratification of this Treaty put an end to the matter so far as the Free State was concerned. But Nemesis followed the action of Great Britain. A section of the Basuto rose in rebellion against British authority, and when this rising had been suppressed, the threatening attitude of the tribe as a whole remained as a constant menace to Cape Colony. The “Loyalist” Prime Minister, Sir J. Gordon Sprigg, speaking in June, 1880, described the situation as follows :

‘I went to the Pitso [meeting] in Basutoland and I saw a large body of cavalry almost as numerous as that which enabled Marlborough to win his great victory of Blenheim. The force amounted to something like seven or eight thousand men. I thought what a terrible thing it would be for this country if such a body of men, disciplined and trained to the use of their horses, and to a certain extent to the use of their arms, were to break out into open rebellion. . . . It was a force ready to obey at a moment’s notice the word of the barbarous chiefs of that country’ (Quoted by Martineau, p. 214).

So it became necessary, in the opinion of Sir Bartle Frere, the Governor, and of the Cape Colonial Government, to do that which the Free State had been prevented from doing, namely, to disarm the Basuto. The result, in 1880, was a war that cost from four to five million pounds; that lasted, intermittently, for three years; that brought about, directly or indirectly, a rising of most of the tribes on the eastern side of the Drakensberg, and that failed, finally, to achieve its object. At its conclusion, the British Agent in Basutoland described his Government’s position there as

* Compare C. 3708, p. 30; C. 3855, p. 20 (according to President Brand, the situation had by then become “intolerable”); C. 4263, p. 91; C. 4589, p. 56; C. 4644, p. 1 (showing that the Free State border farmers were not only subjected as much as ever to outrages against their property and persons, but were now more defenceless than formerly, because the Basuto had become British subjects, raiding from British territory); and C. 4838, p. 34.

“humiliating in the extreme”; * for in spite of the utmost endeavours of the Colonial forces they could not accomplish that which the Boers, in 1868, would have been able to achieve if there had been no interference: the Basuto retained their arms, and remain fully armed to this day. Surely, writes Mr. A. G. Hales, the Australian war correspondent (1901),—

‘Surely if it is not wise to allow the whites to carry arms, it is not wise or right to allow sixty thousand fierce fighting men to remain fully equipped and mounted. . . . Just at present the native warriors are quiet in their kraals, but a day will surely dawn when the younger and more turbulent fighting men will lust for the excitement of war’ (*Campaign Pictures*, pp. 275, 277).

If that time should come—and it is devoutly to be hoped it will not—will it be realised by the English people that they are reaping the results of the action of their Government in 1868, in depriving the Free State of its rights?

It may fairly be asked,—If England were at war elsewhere, what would be the result of such a rising? Military experts have declared that it would require two hundred thousand British troops to conquer Basutoland. Could the “Loyalists” of Cape Colony and Natal deal with the onslaught of sixty thousand Basuto warriors?

It seems, in this case also, that people in England see things “as in a glass, darkly,” where South Africa is concerned, and that many Englishmen on the spot see nothing on earth, politically, but the vast shadow of an imaginary and on that account sanguinary and designing Boer.

* C. 3708, p. 24. It continued to be “humiliating,” according to this Agent’s successor (C. 3855, p. 22). And even after Basutoland—which had been handed over to the Cape in August, 1871—had been transferred back in March, 1884, from the Colonial to the Imperial Government, at the request of some of the Basuto, who had been assured solemnly by Lord Derby (C. 3855, p. 43) that “The Queen does not want unwilling subjects” [1]—even after this re-transference to the Imperial Government, the Resident Commissioner, Colonel Clarke, had to report that the majority of the tribe were disaffected, “and that a half-hearted support only could be expected from the remainder of the people” (C. 4644, p. 24).

CHAPTER IX

THE ORANGE FREE STATE : 1870-1876

(Great Britain annexes the Diamond Fields)

THE next landmark in the history of South Africa is the annexation of the Orange Free State Diamond Fields by Great Britain, an episode even more instructive than the acquisition of Basutoland.

Diamonds were discovered first in 1867, in the Hopetown district of Cape Colony. In 1870 much richer deposits were found in the neighbourhood of Dutoitspan in the Orange Free State. In order to simplify the narrative, the country in which the latter deposits were situated will be referred to throughout this chapter simply as the Diamond Fields, or as the Kimberley District, although the town of Kimberley itself was a later development.

The Kimberley District had been purchased by a party of the early Boer emigrants under Fourie, from the Koranna chief, Dantzer. (C. 508, p. 56.) It had subsequently formed part of the European section of the Orange River Sovereignty from 1848 to 1854, and had been transferred in 1854, with the rest of the Sovereignty territory, by Sir George Clerk, on behalf of the British Government, to the newly constituted Orange Free State. Many of the farms in the district were held under Sovereignty titles. Burghers of the Free State had been in undisputed possession of these and other farms

in the district for over twenty years.* About a thousand Europeans were residing there. Further, in the words of a Protest issued some time later (December 4, 1871) by the Free State Volksraad:

‘Over this tract of country the Free State Government has for a number of years exercised jurisdiction; the Courts of the Free State have settled disputes between the inhabitants . . .; taxes have been levied, and all rights and obligations attached to sovereignty have been enjoyed and fulfilled’ (C. 732, p. 18).

As soon as diamonds were discovered in this territory, a claim to its possession was put forward by a lawyer in Cape Colony on behalf of a Griqua chief named Waterboer. Some years before (in 1863), a similar claim had been made, but no one had taken any notice of it, because the facts, as given above, were well known, and because, as every one was aware, the Griqua captains at the time of the Napier treaties in 1843,† had amused themselves by dividing among each other, on paper, immense stretches of country to which they had no title, either legal or moral.

Waterboer had never exercised jurisdiction in the Kimberley District, nor had any one of the white people occupying farms there ever had anything to do with him. In fact, no Griquas were living there or had ever been known to live there. (Theal, vol. vi. pp. 390, 377.) As it was, and quite apart from the district they now claimed, Waterboer’s people owned sufficient territory to live on comfortably without demanding more which did not belong to them; for they numbered only “some five hundred individuals of both sexes and all ages,” and they had the use of “more than thirty square miles of ground per male adult of the

* J. A. Hobson, in *The War in South Africa* (p. 140), says that: “A lawyer with a large conveyancing practice near Kimberley told me that even now [1898] the transfer of the most valuable lands shows that their ownership rests upon Free State titles—an absolutely convincing proof of Free State priority of claim.”

† See *supra*, pp. 64, 65.

whole population"—six thousand square miles of territory, a country nearly as large as Wales.*

When Waterboer's claim had first been propounded, in 1863, the British authorities had taken no more notice of it than had the Free State. But on the discovery of diamonds in this region, the High Commissioner suddenly supported Waterboer's pretensions, at first tentatively, and later, as more and more diamonds were found, quite positively, until at last, in spite of the fact that the site of Bloemfontein itself was held on exactly the same tenure as the district in question, he declared that the Free State had "unscrupulously usurped" it. (C. 508, p. 27.)

The Free State government was in every way effective: a Post Office had been established at Dutoitspan; "good order was maintained" by a landdrost and a body of police; most liberal ordinances had been passed by the Volksraad providing for the local self-government of the occupants of the Fields; the diggers expressed themselves as thoroughly satisfied; and then, in September, 1870, the High Commissioner informed the Free State President that he had taken measures for issuing magistrate's commissions giving jurisdiction over British subjects residing there. The next step was to warn such British subjects not to pay license fees to any representative of the Orange Free State, which was, of course, the *de jure* and *de facto* government. This naturally, and, as it appears, designedly, created discord.

'The practical government of the Diamond Fields was made almost impossible by the action of the High Commissioner and the special [British] magistrate. Under the plea that obtaining licenses from officers of the Free State would be recognising one party in the dispute,

* Lindley, p. 215. Captain A. F. Lindley, an Englishman, the author of *The History of the Taiping Revolution*, etc., who spent two years on the Diamond Fields, and who was present when they were annexed by Great Britain, was so indignant at the wrong done to the Free State that he wrote *Adamantia* (London, 1873) in the hope of enlightening the British Parliament.

British subjects were called upon to pay taxes of all kinds to the special magistrate only, and were promised protection against the enforcement of demands by any person else. A few individuals then set the Free State authorities at defiance, upon which the President called out a commando to support the courts of law. The High Commissioner chose to regard this proceeding as a menace to the British Government. On the 20th of March [1871] he wrote to the President that "his fixed determination was to repel force by force" (Theal, vol. vi. p. 379; and compare C. 459, p. 161).

All this was done, nominally, on behalf of Waterboer. Waterboer was the claimant and the British Government magnanimously supported his claim. To preserve appearances, the special British magistrate held a commission from Waterboer. Waterboer was described, in an official despatch to the President of the South African Republic, as one "who is, and for many years has been, in treaty alliance with Her Majesty's Government"—an absolutely false statement.†

But this appearance of disinterestedness was illusive. The fact soon leaked out that:

'Waterboer had for some time been in secret communication with the Colonial Government [this was before Cape Colony had been granted

* C. 459, p. 44.

† Was the High Commissioner unaware, asks Captain Lindley, commenting on this misstatement, "that in 1853, the treaty with [an earlier] Waterboer 'entered into by Sir B. D'Urban in 1834 . . . ceased to be in force'? that Sir George Cathcart 'declined to renew it in favour of the existing interest'—the present Chief Waterboer—because it 'would be incompatible with the Convention entered into with the Transvaal emigrants,' and that, till this day, no fresh treaty was ever made with Waterboer?" (p. 254). That Captain Lindley's summary of the facts is correct may be seen from these further extracts from the despatches he quotes. Sir George Cathcart, writing to the Secretary of State for the Colonies, on March 15, 1853, announcing the death of Andries (the first name of the earlier Waterboer) and the election of his son, Nicholas Waterboer, in his place, stated that as "the treaty in the first instance was made with the individual chief or captain, as the succession was not hereditary but elective, and as there were certain stipulations in the treaty in respect to the supply of arms, gunpowder, etc., which would be incompatible with the convention entered into with the Transvaal Emigrants, I have declined to renew it in favour of the existing interest, as will appear by the enclosed correspondence." The enclosed correspondence informs Waterboer that the

responsible government], and that, in order to induce the officials thereof to support him, he had offered (or been induced to offer? *) to place himself and people under British Sovereignty, had offered to them the rule and disposal of the Diamond Fields, another nation's *bona-fide* property.' †

This offer had been made in August, 1870, and it was only after the High Commissioner had received it, that, on September 15th, he first supported Waterboer's claim argumentatively, and, on the 19th, informed the Free State Government that on the strength of that claim he had appointed magistrates to act in the district where the Diamond Fields were situated.

It became known later that after this pretence of acting for Waterboer had been kept up for some time, the High Commissioner had written to the Secretary of State for the Colonies as follows :

'It strikes me as out of the question any longer to uphold the fiction of acting in Waterboer's name. . . .' (C. 508 p. 4. Despatch of August 15, 1871).

If it were possible to believe that that sentence had not appeared in the Blue Book by mistake, such a statement

personal treaty with his father has "ceased to be in force" (No. 1758 of 1854; p. 2). It will be remembered that the Convention of 1854 with the Orange Free State declared that "the British Government has no alliance whatever with any native chief or tribes to the northward of the Orange River."

* Captain Lindley's interrogation is answered by Mr. Theal, who, with later information before him, states that Waterboer "had been induced to make this proposal by a prospect of an annuity for life" (vol. vi. p. 358). Dr. Spence Watson, in his lecture on the *History of English Rule and Policy in South Africa* (p. 16), says that Waterboer was promised a life annuity of £1,000, with a pension of £500 a year to his wife and children; but he adds in a footnote, quoting from *The Native Question in South Africa*, by W. H. James, M.P. (p. 43): "The end of this business [1879] is amusing. We have not paid Waterboer. We have disputed his title at law, putting him to £3,000 expense, and have cast him into prison for some trifling offence." As to Waterboer's lawyer, writing on March 18, 1876, to Mr. Southey, he said: "I only wish I knew in 1870 the kind of Government I had to do with; the cession would never have been made to the British Government. I would ten times rather have gone in for the Free State, who paid Adam Kok and his Griquas honourably" (Wilmot's *Southey*, p. 224).

† Lindley, p. 236; and compare C. 459, p. 37.

might claim the merit of candour. Candour, however, was not the distinguishing feature of the despatches indited by the Imperial representatives in South Africa on the subject of the Diamond Fields. People in England who read the Blue Books were, to put it mildly, allowed every opportunity to deceive themselves. For instance, in a despatch to the President of the Free State, dated November 12, 1870, and evidently written for publication in English newspapers rather than for the information of the President, the High Commissioner, after referring to the Kimberley District as "an extensive tract of country, previously, from time immemorial, in the occupation of native aborigines," stated "that a large number of British subjects were at the time, with the consent of the said natives, resident within the limits of that tract of country" (C. 459, p. 69). Upon which Captain Lindley comments:

'How these aboriginal "natives," who had been extinct for fifty years, could have given their "consent," General Hay [the acting High Commissioner] does not explain. I, with many hundreds of diggers, was "resident within that tract of country"; I did not see *one* Griqua inhabitant (if General Hay thinks they are aborigines), but I did see the old dwellings of the Free State farmers, and did enjoy the protection of the Free State officials, by whose "consent" we were there' (Lindley, p. 273).

Speaking of the information supplied by Sir Henry Barkly, the High Commissioner, and by his predecessor, General Hay—both of whom really were inspired by Mr. Southey, the Cape Colonial Secretary,* an official who

* The Hon. Alex. Wilmot, in his *Life and Times of Sir Richard Southey* (pp. 196-198), says that "evidently Mr. Southey was the real mainstay of the British Government in its dispute with the Free State about the Diamond Fields." And he cites a letter from Southey to Sir H. Barkly, dated March 11, 1871, in which the former says: "I will prepare and forward to you a draft reply to Brand's letter of the 4th inst. I was glad to find that you had succeeded with Pretorius so well. . . ." Again, writing to Arnot, Waterboer's lawyer, in regard to some prejudicial admission which the Governor had made, Southey said: "The fact is that Sir Henry forgot his lesson"!

afterward obtained the post of Lieutenant-Governor of the territory he had caused to be annexed*—Mr. Theal says :

‘Whether these high officers . . . were grossly misinformed, or not, may be left undiscussed; beyond dispute, their despatches were misleading. The distortion of events in some of them would be perfectly ludicrous if the consequences had not been so serious’ (Theal, vol. vi. p. 381).

This distortion of events in despatches achieved its purpose: “Her Majesty’s Government rely entirely on your judgment and discretion,” the High Commissioner was informed by the Secretary of State for the Colonies.† So, after taking the first step towards creating a *fait accompli* by establishing a British magistrate on the spot, Sir H. Barkly obtained from the Imperial authorities a commission authorising him to annex the Diamond Fields on certain specified conditions.

These conditions were that he obtained the consent of the Legislature of Cape Colony, and that he “first ascertained that the native chiefs and tribes claiming the district so to be annexed are really entitled thereto.” The latter condition was “scenic”: before the High Commissioner had seen any of the documents supporting the Free State case, and when, out of a mass of documents which were supposed to support Waterboer’s, he had seen only one, he had written of the territory in dispute as “lands belonging to native chiefs and people” (C. 459, p. 39)—a lead that had at once been followed by the Secretary of State himself, who, in a despatch dated November 17, 1870, had spoken of the Free State’s “claims to the lands of the Chief Waterboer.” ‡

The other condition, that the consent of the Cape Legislature would first have to be obtained, was not so easily

* Lindley, p. 350; and *infra*, p. 157.

† C. 508, p. 8; despatch of October 2, 1871.

‡ C. 459, p. 65. Compare also Lindley, pp. 244, 270, 299, 313.

complied with. At a private meeting of Sir Henry Barkly's Executive Council it was agreed that :

‘The Council believes that there would not, at present, be the slightest hope of carrying such a Bill [for annexation] through either House, and is indeed apprehensive that any attempt of the kind must frustrate *the very objects contemplated by the Government*’ (C. 508, p. 7).

And, in fact, when the matter was brought before the Legislature, a strong desire was evinced to postpone annexation until the question of the rightful ownership of the territory had been settled. The High Commissioner, through the Cape Colonial Secretary, thereupon assured the House that “it was not the intention of the Government to take one inch of territory from the Free State” (Theal, vol. vi. p. 387), and only on the strength of this assurance was he authorised, pending the adjustment of the dispute, “to maintain order” on the Fields.

The Orange Free State, meanwhile, had not been idle. Ever since 1864, there had been at the head of its Government, as President, a man of great ability and unquestioned probity, Jan Hendrik Brand. It was he who had conducted the negotiations with Sir Philip Wodehouse, concerning the absorption of Basutoland, and who, previously to that, had brought the Basuto to terms. President Brand was a lawyer, and was sure of his ground when dealing with Waterboer's claims and with the latter's advocate, ally, and then principal, the British High Commissioner. He set forth the facts in the clearest possible way, and protested, moderately but with feeling, against the encroachments of the British Government. Pointing out that the territory of which it was sought to deprive the Free State had formed part of the Orange River Sovereignty, he wrote :

‘The Government of the Orange Free State cannot understand upon what principle of right and justice Her Majesty's Government can,

seventeen years after the abandonment of the Sovereignty, question or disavow the act of their officer, Major Warden, and of his Excellency Her Majesty's High Commissioner, Sir Harry Smith, as against the Free State Government, who have by Article IV. of the Convention [of 1854], guaranteed the possession of the lands then in occupation of the white inhabitants, and the title granted by the British land certificates' (C. 732, p. 12; despatch of February 7, 1872).

Finding that facts made no impression on the High Commissioner and that protests were unavailing, the President next tried to arrange with the Secretary of State in London to have the claims to the Kimberley District impartially arbitrated. In reply to a proposal from the High Commissioner that the dispute should be submitted to the arbitration of some local authority, such as the Lieutenant-Governor of Natal, a resolution had been adopted by the Free State Volksraad (April, 1871), part of which set forth :

'As the matter in question has for several months engaged the general attention in South Africa, the Volksraad feels convinced that every one here has already formed an opinion for himself about it, and that it can therefore scarcely be expected that impartial and unprejudiced persons could be found here who could be eligible arbitrators' (C. 459, p. 167; and Cape Town Blue Book, G. 21 of 1871, p. 179).

For that reason the President proposed that the head of some neutral State, such as the President of the United States of America or the Emperor of Germany, should be invited to act as referee. "This proposal was rejected by the High Commissioner, who announced that after annexation he would consent to arbitration by a purely local court, but a foreign umpire was not admissible." * *After annexation!*

The Orange Free State was acknowledged to be a sovereign international State by the following among other

* Theal, vol. iv. p. 388.

nations : by the United States of America, Germany, France, Russia, Austria, Italy, Spain, and the Netherlands. The British Secretary of State who had drawn up the instructions for the drafting of the Convention of 1854 had agreed, as we have seen already, that, as the republican Boers stipulated, it was to have the effect "of a treaty between independent powers." The terms of the Convention itself had fully confirmed this understanding. So from no point of view could it be pretended that there would be anything detrimental to the dignity of Great Britain in allowing the head of a friendly nation to act as arbitrator. Nor could it be pretended that Great Britain objected on principle to that form of arbitration, for in the same year that the British Government refused to meet the Free State in this way, the same Government gladly submitted its differences with the United States of America to the arbitration of foreigners. What wonder, then, that the Boers believed that Great Britain had refused their small State that which had gladly and almost eagerly been agreed to with America, simply because they were weak while the United States was powerful?

CHAPTER X

THE ORANGE FREE STATE : 1870-1876

(Great Britain annexes the Diamond Fields—continued)

SHORTLY after Sir Henry Barkly's refusal to submit this dispute with the Free State to an impartial tribunal, an award was published (dealt with in the next chapter) in regard to a case between the South African Republic and some native chiefs. The Free State had in no way been represented during the trial of this case, but as the award, since pronounced "farcical," told in Waterboer's favour, the High Commissioner considered that the psychological moment for action against the Free State had arrived, and, without waiting for the consent of the Cape Legislature, issued a proclamation (27th of October, 1871) formally annexing the Diamond Fields. On the 4th of November an armed party of the Cape Mounted Police moved in and took possession.

In a despatch informing the Secretary of State of what he had done, the High Commissioner expressed the belief that the Government of the Free State would "rest content with a protest against this mode of ejection from a territory they have so unscrupulously usurped" (C. 508, p. 27). The belief was well founded. President Brand did rest content with a protest. Why he did so, the following Notice which he published shows:

‘Whereas I am desirous of preventing any collision between the Governments and people of the Cape Colony and this State, who are allied to each other by the strongest ties of blood and friendship; therefore, I hereby order and enjoin all officers, burghers, and residents of this State, to guard against any action which might lead to such collision, in the fullest confidence that the informations and explanations which will be given to Her Britannic Majesty’s Government in England, by our Plenipotentiary, will secure the acknowledgment and recognition of our just rights’ (C. 508, p. 49; Proclamation dated 7th of November, 1871).

The confidence expressed by the President was pathetic in view of the sequel. The plenipotentiary sent to England was not even received officially; and when, “after annexation,” the Government of the Free State again raised the question of arbitration, Great Britain insisted upon conditions that made acceptance impossible. The President, convinced as he was of the justice of his cause, had conceded point after point demanded by the High Commissioner in regard to the construction of an arbitration Court; but at last, when all seemed settled, he was suddenly informed (April 16, 1872)—“It would of course be essential that a formal waiver of all claims under that Convention [of 1854], should be among the Resolutions adopted by that body [the Free State Volksraad]” (C. 732, p. 29).

In other words, as the President’s whole case was based upon the Convention, he was formally to waive his rights before he could be granted a hearing!

Additional evidence in support of the Free State case had been submitted by independent witnesses, among others by a missionary who for long had resided in the annexed territory. This gentleman testified that before buying the land on which he had established his mission, he had “thoroughly investigated to whom the ground belonged. . . . Waterboer’s name was not even mentioned at that time.” During the twenty-five years that his

mission had been at work, no chief of that name had "laid any claim whatever" to the ground. In the days of the British Sovereignty a British magistrate from Bloemfontein had always visited the station when criminal cases were to be tried, and when the Free State had taken over the country, it had "from that time to the present" exercised similar jurisdiction.*

But such evidence as this counted for nothing with the British Government. The *fait accompli*, carefully prepared by the High Commissioner, had now been established beyond question. Justice, arbitration, and similar abstract principles, could be talked about in other connections, but in this connection had to give place to a concrete fact. Nevertheless it had seemed necessary to devise some excuse for what was being done, so the Secretary of State for the Colonies, in a despatch dated the 21st of July, 1871, had alleged that the territory in question was to be annexed in order "to prevent the irregularities which would arise from a prolonged absence of a regular government at the Diamond Fields." The English diggers on the Fields effectually, if unwittingly, disposed of this argument. Their testimony was incorporated in a protest, issued some time afterward by the Free State Volksraad, in which the statement of the British Secretary of State was met as follows:

'The Orange Free State most positively denies the soundness of this reasoning;

'Because Magistrates were appointed by the Free State over those Diamond Fields, a police force was supplied, Courts of Justice were established, and thousands of subjects of all nations were protected

* Quoted by Lindley, p. 181. The same missionary, a few days before the annexation, wrote: "Under the present [Free State] Government we have experienced justice and protection, and have been enabled peaceably to carry on our Mission work. Also, we are satisfied with the measures taken by the Free State Government, in reference to the diggings . . . which have relieved us from a great deal of care and anxiety" (C. 732, p. 11).

by the Orange Free State in their property and persons, and that in such a manner, that, after the forcible seizure of the Diamond Fields by Her Britannic Majesty's Government, addresses, signed by a great number of Englishmen, were forwarded to his Excellency Sir Henry Barkly, *requesting that under the British Government the Magistracy might be conferred upon the gentleman who had hitherto represented the Free State Government.* And in those addresses the following words, among others, occur :

"That your Memorialists, in accepting the administration of the British Government, now in force in the above-mentioned and other places, constituting the territory known as the Diamond Fields, desire respectfully to draw your Excellency's attention to the *satisfactory and efficient manner in which the Free State Government has maintained law and order among the large number of people now present at the Diamond Fields*" (C. 732, p. 19).

But now the High Commissioner found himself face to face with a difficulty greater even than that of supplying the Secretary of State with excuses for his policy. Having exceeded his commission by annexing the Diamond Fields without first having obtained the consent of the Cape Legislature, he had to try to cajole that body into an approval of his conduct: and he did not succeed in doing so. For when, on June 5, 1872, in the Cape Parliament, "the Colonial Secretary moved that the West Griqualand Annexation Bill be read a second time . . . out of thirty speakers who took part in the debate . . . twenty-six, including all the most able and influential members in the House, spoke in opposition, and declared their determination to vote against it" (Lindley, pp. 337, 339). Among its most ardent opponents were English members, such as Advocate Buchanan, Messrs. Knight, J. H. Brown, Merriman, Prince, Wright, and Bowker. The result was that the High Commissioner was obliged to withdraw his Bill. (C. 732, p. 51.)

The concluding episode in this South African drama was the logical outcome of all that had gone before: in 1876, a Land Court of Cape Colony, after devoting three

months to an exhaustive examination of the evidence, decided that Waterboer never had had any rights in the territory that had been claimed on his behalf. The British Government had never pretended to have any claim to it, except on his behalf. But, of course, a detail such as this in no way disturbed the Imperial authorities; so the territory, instead of being restored to the Free State as the President demanded, was retained as a British possession. Conscience money was offered to the Free State Government—£90,000 for property that had been yielding for some years past an annual profit of millions (C. 4190 of 1884, p. 3)—and was accepted by the Volksraad, partly on the ground that half a loaf is better than no bread, but chiefly in order to impress upon the minds of the more bellicose burghers that the matter was settled and that the peace-loving Free State had no desire to keep alive a cause of quarrel with Great Britain.

With that, so far as the Free State was concerned, the incident closed, except as a memory. The Republic had been robbed, but its people cared much less for that than for the way in which the robbery had been effected. In the words of Mr. J. A. Froude, the English historian :

‘[Great Britain’s] conduct would have been less entirely intolerable if we had rested simply on superior strength—if we had told the Boers simply that we must have the Diamond Fields and intended to take them; but we poisoned the wound, and we justified our action, by posing before the world as the protectors of the rights of native tribes’ (*Oceana*, p. 46).

There is no need to describe the process by which, in spite of Sir Henry Barkly’s rebuff at the hands of the Cape Legislature, the admission of the annexed territory as a part of Cape Colony was finally brought about (October, 1880). More important than that is the question

of the immediate and subsequent effect of annexation upon the district and its inhabitants.

The Diamond Fields had been seized by force regardless of law, and the consequence was that the people living there, who until then had been law-abiding, followed the example which their new Government had set them.

'Under the Free State Government neither disorder nor lynch-law were so much as dreamt of. . . . In December, 1871, only about a month subsequent to the expulsion of the Free State authorities, and the establishment of Sir H. Barkly's Junta, lynch-law broke out, riot, and general insecurity prevailed' (Lindley, pp. 413, 412).

In its issue of August 7, 1872, the *Diamond News* (which, before annexation, had clamoured for British rule) referred to the prevailing disorder in the following terms :

'We contemplate with horror the fact of lynch-law becoming a power in our midst, but our chief censure falls upon those [the British authorities] who allowed the grievances which gave rise to the rioting to rise and oppress this community so long.'

The *Diggers' Gazette*, in its issue of July 19, 1872, remarked :

'Authority fails to demonstrate its claim to respect, while men, smarting from a sense of injury, take the law into their own hands *only because* of the proved inefficiency of the powers that be to protect them where their interests are in sorest need of protection. Day after day, and night after night, one or another quarter of the camp is regaled with the edifying spectacle of natives flogged, tents in flames, white men surrounded by angry crowds hardly to be restrained from exemplifying their vengeance with a short shrift and a stout cord. We are no apologists for this state of things, *but we cannot shut our eyes to the mischief which has made it almost a necessity*' (Quoted by Lindley, pp. 414, 415).

The above quotations certainly represent the conditions

as they actually existed. The debate in the Cape Legislature (June 5, 1872) had already elicited the fact that the diggers on the Fields were intensely dissatisfied with the results of British rule. In the course of that debate, Mr. Knight stated that—

‘One great reason why he was opposed to annexation was, that nine-tenths of the people at the Fields would hold up their hands for the removal of the present government, because they believed that they had much better government before they were annexed.’

Mr. J. H. Brown, “as the latest arrival in the House from the Fields,” said:

‘The diggers look with the utmost abhorrence on the government there at present, and that it was as much disliked as it deserved to be.’

Mr. Buchanan declared that from personal converse with the diggers he knew “that there was a high degree of feeling against the British Government.”

Mr. Merriman (“previously a staunch supporter of Government”) pointed out that—

‘The Orange Free State had given the people some sort of a representation, but the first act of our Government had been to do away with all Committees, and the consequence was that the people were taxed by an irresponsible body.’ *

Equal Rights, it seems, had been bestowed by reducing the rights of every one to a common zero—a process with which English colonists in South Africa ought by this time to be familiar.

But perhaps the most instructive feature of the situation is to be found in the increasing demoralisation of the High Commissioner himself, as revealed in his despatches.

* Quoted by Lindley, pp. 416, 417.

To the Secretary of State, on December 16, 1871, he wrote :

‘ Meanwhile I am glad to be able to report that British officers are in the undisputed exercise of all public functions throughout Griqualand West, and that everything is going on quietly and satisfactorily at the various Diamond Diggings included within its limits ’ (C. 508, p. 52).

On the very day his report was penned, the *Diamond News* published an editorial complaining bitterly of the lawless condition of the camps at night, and stating that a comparison of Free State with British rule “ was not creditable to the energy or administrative abilities of our present rulers ” (Lindley, p. 413).

Must it be inferred from this that Sir Henry Barkly deliberately lied ? Certainly not. He was merely a High Commissioner supporting his own policy with statements he wished were true. But he was not able to maintain this attitude to the end. The facts became too obtrusive. To quote the memoirs of General Sir Arthur Cunynghame, who was in command of the British troops in South Africa at the time, and who was requested by the High Commissioner to proceed at once with a considerable force to the Diamond Fields in order to suppress an insurrection that threatened to break out there—“ in the spring of 1875 the discontent of the diggers grew dangerous.” They were armed, and many of them had “ formed into companies, battalions, and squadrons of cavalry.” The arrival of the troops dispelled the danger, but General Cunynghame states that :

‘ Substantial evidence was produced that it was the intention of the ringleaders to have deposed the Lieutenant-Governor of the Diamond Fields, to have seized the reins of government, and then to have offered the country to the Free State, and, in default of their acceptance, to have created a Republic—for themselves ’ (*My Command in South Africa*, pp. 174, 193).

What will be the outcome ultimately of the annexation of the Diamond Fields, still remains to be seen. For the present, the results are not promising. While lynch-law is a thing of the past (or was, until revived in 1899 as Martial Law), the Diamond Diggings are owned by a Trust, which controls, not only the digging and the sale of the diamonds, but every branch of industry and commerce in connection therewith. There is no place for the independent shop- or store-keeper in Kimberley, where the "compound system" compels the natives to buy from their one employer, the Trust, and where most of the white men are the slaves, virtually, of the same authority. Outside of the Diamond Fields, but within the confines of the district, the country is inhabited by Boer farmers, nearly all of whom, during the war of 1899-1902, were declared by the British authorities to be rebels—not a flattering result of thirty years of British rule.

In conclusion it may almost be said that the Free State gained more by being robbed, than Great Britain gained by the robbery; for once the small Republic had been deprived of its chief source of wealth, and had been reduced to its former condition of "genteel poverty," its Imperial neighbour had no immediate inducement to interfere with it further. Diamonds had also been found in a district in the Transvaal, and as soon as that had been annexed, the gold which had been discovered there, in other districts, in 1867 and 1871, became the object of the British Government's instant and absorbing interest. So the Free State was allowed to enjoy a period of undisturbed progress.

CHAPTER XI

THE SOUTH AFRICAN REPUBLIC: 1852-1875

FOR several years after the signing of the Sand River Convention in 1852, the South African Republic had native as well as political difficulties to contend with. Its local politics, for reasons previously given, need not here be noticed. But its conflicts with native tribes cannot be passed over, if only for the reason that the Transvaalers, in this connection, have been so persistently misrepresented. Among the other charges that were brought against them was that, throughout the Republic, slavery was a common practice, and that native prisoners taken in war were invariably enslaved.

‘Since 1877 much concerning this matter that was previously doubtful has been set at rest. On the 12th of April of that year the South African Republic [as will be shown later] was proclaimed British territory, and when soon afterwards investigation was made, not a single slave was set free, because there was not one in the country.* In the very heart of the territory kraals of blacks were found in as prosperous a condition as in any part of South Africa. It was ascertained that these blacks had always lived in peace with the white inhabitants, and that they had no complaints to make. Quite as strong was the

* To prove this, and by way of protest against statements advanced by the Anti-Slavery Society, Sir Wilfrid Lawson, in 1881, wrote to the *London Times* offering a reward of £10 to any one who would bring forward evidence sufficient to convince the editor that a single slave had been liberated as a result of British rule (*The Times*, February 15, 1881). No one, not even the Anti-Slavery Society, accepted Sir Wilfrid’s challenge, for the reason given by Theal: slaves had not been liberated, because there were not any in the country.

evidence afforded by the number of the Bantu. In 1877 there was at the lowest estimate six times as many black people living in a state of semi-independence within the borders of the South African Republic as there had been on the same ground forty years before. Surely these people would not have moved in if the character of the burghers was such as most Englishmen believed it to be.*

But this charge must be explained as well as denied, and the explanation is simple.

The English practice with native tribes was to levy a hut-tax averaging £1 a year per adult male occupant of every hut. This paid for the cost of government, and was supposed to act as an incentive to the natives to work. But the actual effect often was to compel the women to work rather harder than they otherwise would have done, while the men, as is their wont, remained idle.

Formerly, the Boer practice in many cases was different. Aware of the defects of the English method, and wishing to get labour out of the men rather than out of the women, the Government of the South African Republic arranged, whenever convenient, that the chiefs of various tribes, as payment for the use of the ground on which their tribes lived, should contribute a stated amount of labour yearly.†

* Theal, vol. vi. pp. 152, 153. And compare C. 3098, p. 49.

Bishop Colenso of Natal, than whom there could not have been a more ardent champion of native interests, and who was by no means friendly to the Boers, was quoted by Mr. Rathbone in the House of Commons (July 25, 1881) as having written on this subject as follows: "I have been in constant correspondence with Mr. Chesson, Secretary of the Aborigines' Protection Society, and others, and done what I could to dissipate the charge of slave-holding, or rather slave-making, which, whatever ground there may have been for it in the past, ought not to be brought against the present generation. Rather I have urged that the simple fact that 800,000 natives were living under the Boer Government without taking to flight and running over to Natal for protection is enough to show that the accusation against the Boers of ill-treating the natives under their rule must be grossly exaggerated, and that, to all appearance, *they even prefer the Boer rule to our own*" (Hansard, vol. cclxiii. p. 1798).

† It was not until 1870 (Law No. 9) that a hut-tax was levied on Kaffirs residing within the Republic. Kaffirs who were acting as servants had to pay 2s. 6d. a year per hut; those in service but not living on the farm of their masters had to pay 5s. a year per hut; and those who were not in service, 10s. a year.

Further, "certain farmers had leased ground to individual natives in consideration of receiving the service of their families at times when work was pressing"; and, lastly, destitute persons and orphan or forsaken children were apprenticed to farmers for a term of years, under the supervision of the local magistrates. These apprentices, "with hardly an exception, were well cared for" (Theal, vol. v. p. 349). They received clothes, food and shelter, and it was the universal custom for their masters to make them presents, either of cattle or of money.

If the last-named practice can be termed compulsory labour, it was so only in the sense in which the same term can be applied to the labour exacted from the able-bodied inmates of English workhouses, who, moreover, do not receive gratuities. Consequently, when missionaries declared that natives who laboured in any of the above ways were "in a state of 'servitude indistinguishable from slavery,'" they were saying what is manifestly untrue, and were opposing that which was really in the best interests of those whom they claimed to protect. In any case, one of the best possible proofs that the natives themselves either preferred the Boer method, or found it at least as supportable as the English method, is the immense increase, just referred to, of the native population of the Transvaal, as the result, in part, of voluntary immigration from Cape Colony, Natal, and other British territories.

This, then, referring to the period with which we are now dealing, is the only foundation in fact for the charge of practising slavery so frequently brought against the Boers by missionaries, and endorsed on more than one occasion by British Secretaries of State. It was used as one of the standing grievances against the Transvaalers of that day.

Now when, in 1877, the Transvaal was annexed by Great Britain, one might suppose that this "insult to civilisation," this "monstrous abuse," that had filled the Colonial Office

with indignation, would at once have been abolished. We have seen that no "slaves" were discovered, and that therefore none could be liberated. But there were many native apprentices, and their position had been described as slavery in disguise. Why not have released them?

They were not released. Instead of that, the practice that had been condemned so unsparingly during the existence of the Republic, was continued under British rule on a bigger scale than ever and with fewer safeguards for the apprentices. In 1881, after the restoration of the Republic, a Committee of the Volksraad was appointed to inquire into the matter.

The Committee's Report showed that in September, 1878, during the administration of Sir T. Shepstone, about 800 Kaffirs, men, women, and children, were apprenticed among the white inhabitants in the neighbourhood of Potchefstroom, and that in May, 1878, about 117 male Kaffirs, "with three or four times as many women, children, and infants," were apprenticed at Pretoria.

'These Kaffirs,' the Committee reported, 'came from a small Kaffir tribe under the chieftainness Maseleroon, who had been destroyed by Captain Clarke in the month of April, 1878. . . . When in 1876 [before the annexation] the Kaffir Johannes was conquered near Lydenburg, the remnant—women and children—were not put to service among the people, but were sent to the mission station of Mr. Merensky, pending further arrangements. Sir Theophilus caused Maseleroon's prisoners of war to be apprenticed. And yet the Republic suffers under the false stigma of slave dealing, and the English Government is lauded everywhere in England as opposing slavery.'

Not only this, but as the Report proceeded to show, these native children, under British administration, had been apprenticed without the consent of their parents, while "never under the Republic was a child apprenticed without the consent of its parents, and whenever a forsaken child was found it was emphatically stated, according to the pro-

vision of the law, that parents or relations were called upon by public announcement to appear. Only after such an inquiry had proved fruitless was such child apprenticed to a master under supervision of the Government" (C. 3381, pp. 9, 10).

This Report was brought to the notice of the British Government. The British officials concerned, including Sir T. Shepstone and Mr. Osborn (the latter having been the Transvaal Colonial Secretary at the time), were then questioned, but not one of them attempted to dispute the facts. A former British Landdrost, while specifically admitting the facts, stated, by way of excuse, that among the motives which had led to the apprenticing of these natives, "I am aware that solicitude to relieve them from a condition of helplessness and utter starvation was strongly operative." This satisfied the British Government. What had been "slavery" when done by the Boers, became philanthropy when done by the British.*

The events that supplied oil to the flame of missionary slander in the early 'fifties were the indirect outcome of the success of the Basuto in their conflict with the English troops in 1851.†

* C. 3381, p. 59. Nor was it in the Transvaal only that native prisoners were apprenticed by British officials. For instance, in 1878, after the war with the Gaiikas and Griquas, the Resident Magistrate at Kimberley reported on the 2nd of September that "253 females, 200 children under five years, and 73 children of ages ranging from six to fifteen years," had been apprenticed in his district as servants, with "fourteen lads who arrived here with the men prisoners of war," all of whom had "been duly contracted to different masters" (C. 2252, p. 5). And the same system has been continued ever since. Mr. J. A. Hobson, in his invaluable work on *Imperialism*, quotes from Blue Book C. 8797 in regard to a native disturbance in Bechuanaland in 1897, showing that "while only some 450 men were taken with arms, 3,793 men, women, and children were arrested and deported, 1,871 being afterwards 'indentured' [apprenticed] in the colony" (p. 277, footnote). Then, such advertisements as the following, which appeared in the *Natal Mercury* of October 18, 1902, are still frequently met with in the newspapers of that and of other British Colonies:

"Absconded from Waterfall Farm, near Hill Crest, an indentured Indian named 'Munusamy'; discoloration of skin on left side of chest and left cheek. Also, indentured Indian named 'Ponusamy'; scar on right shoulder blade, mole on right palm. Any one harbouring same will be prosecuted.—H. G. DAVIDSON."

† See *supra*, p. 74.

'The victory of the Basuto [in the battle] at Viervoet and the subsequent attitude of Moshesh towards the Sovereignty Government had a disturbing effect upon the tribes [to the north] as far as the Limpopo' (Theal, vol. v. p. 373).

One chief after another, while admitting formally "that the country they were in belonged to the emigrant farmers by right of conquest from Moselekatse," the chief of the Matabele, "began to think that as the Southern Basuto had successfully resisted the white man, he might do the same" (Theal, vol. v. p. 373). Wars were the result, and, in the course of these wars, it was asserted afterwards that the burghers had been guilty of cruelty. This was alleged by missionaries as a reason why the Boers of the Orange River Sovereignty should not be allowed to govern themselves, it being argued that what their kinsmen in the Transvaal had done, they too would be likely to do. Sir George Clerk, however, the Special Commissioner, "had made himself acquainted with the recent transactions beyond the Vaal, and knew how distorted the assertions of ill-treatment of the blacks by the emigrant farmers really were" (Theal, vol. v. p. 346). So the missionaries, on this occasion, failed to gain their ends.

During the next few years the burghers of the Transvaal had passing troubles with the Zulu and other tribes, but the effects of these disturbances did not reach beyond the borders of the Republic, or attract attention abroad.

An event occurred, however, in 1867, which soon brought the Transvaal into conflict with Great Britain: gold was discovered, first in the far north, later, in 1871, in the district of Zoutpansberg.* But some years passed before gold-mining became sufficiently lucrative to attract the

* In the London *Times* of April 22, 1854, a South African correspondent reported that "gold has already been found in abundance" in the Transvaal. But these earlier discoveries produced no practical result.

active intervention of the Imperial authorities, and meanwhile a boundary dispute with some native tribes, arising out of the discovery of diamonds along the northern bank of the Vaal River, also led to complications with Great Britain, and on that account requires notice.

Whatever the rights of the Republic in this case may have been, it is undeniable that its burghers had occupied the disputed territory for nearly a quarter of a century; while, whether the claims of the natives were justifiable or not, it is certain that they were instigated by European advisers, of whom, says Mr. Theal, "it would be difficult to write too harshly"—"men who perverted truth, and taught the chiefs and people to base their pretensions on what was false" (Theal, vol. vi. pp. 350, 356).

'The question was undecided whether the various clans were trying to make aggressions upon the South African Republic, or the South African Republic was trying to make aggressions upon them, when, on the 19th of September, 1870 [diamonds having been discovered in this district in 1869], the High Commissioner wrote to the President "desiring to urge upon him in very strong terms the necessity for abstaining from encroachment, without lawful and sufficient cause, upon the possessions of native tribes in friendly alliance with Her Majesty's Government." When or how the tribes came to be in alliance with the British Government His Excellency did not explain.*

In the Sand River Convention (1852) it was stated that the representatives of Great Britain "hereby disclaim all alliances whatever and with whomsoever of the coloured nations to the north of the Vaal River." It was promised in the same Convention "that no encroachment shall be made by the said [British] Government on the territory beyond to the north of the Vaal River." So the Boers resented the High Commissioner's interference, which they

* Theal, vol. vi. pp. 356, 357. The High Commissioner's letter to the President, dated September 19, 1870, is given in C. 459, p. 44.

considered unwarrantable, particularly as they had shown no sign of desiring to enforce what they considered their just rights as against the native claimants.

In November, 1870, President M. W. Pretorius* arranged for a conference to discuss the questions at issue, at which were present, on behalf of the Republic, the President, and Commandant-General Krüger and others, and, on the other side, a missionary, and the various native claimants with the exception of the all-claiming Waterboer. As matters could not be settled amicably at this conference, it was agreed by both sides to refer the dispute to a court of arbitration.

No sooner had this resolution been arrived at, than the High Commissioner took decisive action on behalf of his pliant and useful tool, Waterboer. The British magistrate, appointed to act in the Kimberley District, under a commission obtained from Waterboer, was instructed to exercise jurisdiction over *all* territory claimed on that chief's behalf, which included the disputed district north of the Vaal, occupied by Transvaal farmers, and declared by the South African Republic to be within its borders. The other native claimants, who entirely repudiated Waterboer's pretensions, were as indignant as were the Boers at this high-handed proceeding.

After the arrival of a new High Commissioner, Sir Henry Barkly, another conference was held, on this occasion at Klipdrift, in February, 1871. The High Commissioner attended personally, as well as President Pretorius and representatives of all the native chiefs supposed to be concerned, including Waterboer. Final arrangements were made for the arbitration of the dispute. Also, in response to the complaints of President Pretorius regarding the unwarrantable irruption of British magis-

* The son of the famous voortrekker, Andries Pretorius, who had died in 1853.

terial authority, Sir Henry Barkly agreed that, pending the decision of the court of arbitration, the magistrate of the South African Republic should continue to exercise jurisdiction over burghers of the Republic who resided within the territory in question.

President Pretorius was so sure of the justice of his case* that, when the construction of the arbitration court was discussed, he consented to the following plan: the court was to consist of two members, one appointed by himself, the other (a Mr. Campbell) appointed by Great Britain, with Mr. R. W. Keate, the English Lieut.-Governor of Natal, as umpire. Lieut.-Governor Keate's Award was made known on the 17th of October, 1871. It was adverse to the South African Republic in every respect. By the burghers its announcement was received with consternation, for in it Mr. Keate propounded the startling thesis that even the district of Bloemhof and much of the districts of Potchefstroom and Marico—in each of which were included some of the oldest farms in the Transvaal—were outside the boundary of the Republic! (Theal, vol. vi. p. 366).

Almost as much indignation was expressed against President Pretorius as against the umpire. The President was accused of gross negligence in preparing his case. It was also complained that he had exceeded his power under the Constitution in having signed the acts of submission (preceding the arbitration) without the necessary authorisation, and, at first on that ground only, the Volksraad of the Republic refused to acknowledge the award as binding.

Sir Henry Barkly, as High Commissioner, thereupon declared that he intended "to abide by and maintain the award" (C. 732, p. 7); but the Volksraad was not to be

* "How utterly unfounded the claims of Waterboer were has been shown by, amongst others, the missionary, Moffat, in a letter published in the *Times* of March 9, 1871" (see Memorandum by the Transvaal Deputation, enclosed with a letter to Lord Derby, dated November 26, 1883, in C. 3841, p. 115).

moved by threats, particularly as the justice of their decision had been confirmed by the discovery that Mr. Campbell, the British member of the court, had, in anticipation of the award, "bought from Waterboer a portion of the disputed territory, and that Governor Keate had, in anticipation, accepted Waterboer and his people as British subjects, in violation of the Sand River treaty."* To have enforced the award in these circumstances, it would have been necessary to send troops to dispossess the Boer occupants, and this would have meant war. So the High Commissioner contented himself with repeated protests on behalf of the British Government, and on behalf of the native claimants. Meanwhile, that part of the country which had been occupied longest by the burghers, remained under the jurisdiction and within the recognised borders of the Republic.

Here again one would suppose that the British Government, in 1877, after the annexation, would have hastened to right the wrong which—according to the British Government—had been done to the native claimants. As Colonel Moysey, R.E., in his official Report on the claims to land in the "Keate Award Territory," pointed out in December, 1880—

'It should be borne in mind that from the time when Governor Keate's award was given the British Government, through its High Commissioner, never ceased to protest against its repudiation by the South African Republic, and restrained the natives on this border from asserting in any forcible way the rights secured to them, urging them to leave the case entirely in our hands' (C. 3114, p. 81).

This attitude of indignant protest was maintained, of course on philanthropic grounds, on behalf of the natives,

* See C. 3947, pp. 11-18, for the above, and for a general statement on the subject submitted by the Transvaal Deputation to Lord Derby in November, 1883. See p. 44 of the same Blue Book for a map showing the boundary of the Keate Award, and the boundary as defined in the Conventions of 1881 and of 1884 respectively.

until the day of the annexation. Then, suddenly, after the annexation, Sir Theophilus Shepstone, the British Administrator, made a discovery. He discovered what every one concerned had always known, namely, that "at the time that this award was made, Bloemhof [which was declared in the Award to be outside the limits of the Transvaal] contained the seat of a magistracy and the ordinary machinery for the government of a regular district of the late Republic." So, on the strength of this discovery, he wrote :

'I venture to offer my opinion to your Excellency that the spirit of the Keate award would be best carried out by the jurisdiction of this Government being fully exercised over the whole of the *old* limits of the Transvaal'! (Despatch of July 18, 1878, in C. 2220, pp. 109, 110.)

In other words, the "spirit" of the Award was to be carried out by reversing its letter, and by declaring that territory which had been denied to the Transvaal as long as it was a Republic, belonged to the Transvaal as soon as the latter became a British possession.

And his advice was acted upon ; not, of course, by formal proclamation, for that would have attracted attention to the matter, but by quietly allowing the subject to drop. "Our Government made no sign," as Colonel Moysey phrased it in his Report, although, as he pointed out on another page :

'The British Government has had, since its annexation of the Transvaal, the opportunity of restoring to the bordering tribes the territory it for six years previously held to be only their due' (C. 3114, pp. 81, 75).

But the foregoing anticipates events. In 1871, when the Keate Award was made known, the feeling in the Transvaal against President Pretorius was so strong that

he resigned his office. A large party of the burghers then advocated the election of President Brand, of the Orange Free State, as President of the South African Republic also. Many went further and urged that the two Republics should be united under one government. This would have been arranged some years before if Sir George Grey, then High Commissioner, had not interposed with an announcement to the effect that Great Britain, in case of union, would no longer consider the Conventions of 1852 and 1854 as binding. Such a threat, at that time, produced the desired effect. But now, in the light of more recent experience, arguments were heard that have been repeated many times since then. Of what value, after all, it was asked, were these Conventions?

‘Great Britain violated them at will. She would not permit a third party to interpret them, but whenever it pleased a hostile High Commissioner to interfere in matters north of the Orange, he was allowed to do so despite of the plain meaning of their clauses. As things stood, the Conventions practically were binding only on the Republics. Better let them go, and do all that could be done to strengthen their own position. The most glaring violations of the Conventions were enumerated as :—

‘1. The stoppage of supplies of ammunition to the Orange Free State.

‘2. The interference on behalf of the Basuto of Moshesh.

‘3. The appointment of a special magistrate and stationing police on the Vaal.

‘4. Interference between the South African Republic and nominally the Griqua captain Waterboer, with the design of acquiring the territory in which the Diamond Fields were situated.

‘5. Interference between the South African Republic and various Bantu tribes.

‘6. The dismemberment of the Orange Free State, and the appropriation of a portion of its territory.

‘7. The open and undisguised sale of guns and ammunition to blacks at the Diamond Fields which had recently been annexed to the British dominions, although the acting-President Erasmus had brought this matter to the notice of the High Commissioner, and had protested against it not only as forbidden by the Convention, but as dangerous

in the highest degree to the peace and quietness of the whole of South Africa.*

On this occasion the union of the Republics was opposed by President Brand, who was still negotiating with the Imperial authorities for the restoration of the Kimberley District to the Free State, and who still preserved some of his phenomenal faith in the good intentions of the British Government, believing that ignorance of facts was the cause of its outrageous behaviour. He declined to be nominated for the Presidency of the South African Republic, arguing that the federation of the two Boer States would be misinterpreted by the British Government and would tend to accentuate existing differences. "In face," he said, "of the enormously rapid increase of the blacks which was taking place on every side, peace, friendship, the uttermost good will, ought to exist between white people in the country, no matter what nationality their ancestors were of" (Theal, vol. vi. p. 373).

So the Transvaalers were compelled to look elsewhere for a President, and selected the Rev. Thomas François Burgers, who was duly installed in office on July 1, 1872.

* Theal, vol. vi. pp. 371, 372; and see *infra*, p. 158. For the despatch of Acting-President Erasmus (dated April 16, 1872) complaining of the sale of guns and ammunition to the blacks at the Diamond Fields, see Blue Book C. 732, p. 49. In the same Blue Book there is another despatch, also addressed to Sir Henry Barkly by Mr. Erasmus, which well shows the annoyance to which a High Commissioner's policy of pin-pricks could give rise, even at that early date. Writing on December 22, 1871, the Acting-President said: "The Government cannot disguise the fact that this constant interference of the Government of the Cape Colony is very vexatious to it. It is, however, glad to perceive that your Excellency acknowledges the legality of the Treaty or Convention of 1852, as it has latterly appeared at times to the Government as if your Government knew nothing of it!"

PART II

ANNEXATION OF THE SOUTH AFRICAN REPUBLIC

CHAPTER XII

BEFORE THE ANNEXATION

IT has probably been remarked already by those who have followed the preceding pages to this point, that English hostility to the Boers, so manifest from the second occupation of Cape Colony until 1851, was modified outwardly during the next twenty years, and that then, with the annexation of the Diamond Fields in 1871, the earlier policy of aggression was revived. This oscillation of policy may be accounted for variously on philosophical grounds, but practically, though it may seem a far cry from South Africa to Louis Napoleon, it was certainly due in part to the Emperor of the French that the Boers were not more actively molested during the twenty years in question. During that period England's attention was absorbed almost exclusively in European affairs.

To some extent, doubtless, the great Revolutionary movement of 1848 was responsible originally for the change—directly, by spreading liberal ideas, as well as indirectly, by keeping the Imperialists of that day fully occupied. For in England, in 1848, the Chartist movement came to a head, the internal peace of the country being greatly disturbed, and London being put under the despotic control of the Duke of Wellington. In the same year, in Ireland, the Young Ireland Party became exceedingly active,

and England proportionately alarmed. The *Habeas Corpus* Act was suspended and Mr. Smith O'Brien, it may be remembered, was sentenced to be hanged, beheaded, and quartered.

But it was only in 1852, the year in which the Sand River Convention was entered into with the Transvaal Boers, that England's policy in South Africa underwent a marked outer change; and at the end of 1851, Louis Napoleon, having been President of the French Republic since 1848, had carried out his *coup d'état* and had become Emperor of the French. From that moment until his downfall in 1870, he kept England in a state of feverish activity, either as an ally, or as a possible enemy.

The facts are worth recalling.

In 1852 a French invasion was expected, and the Volunteer movement sprang into existence. In 1853 the Turkish fleet was destroyed by the Russians at Sinope, the British fleet entering the Black Sea towards the end of the year. Then, in 1854 (the year of the Convention with the Orange Free State), England, in alliance with France, attacked Russia and fought the Crimean War which lasted until the beginning of 1856. A war with China was begun in October, 1856, and in 1857 a war with Persia. The Indian Mutiny broke out in May, 1857, and was not brought to a conclusion until the end of 1858. In 1859 the war between France and Austria perturbed England greatly, and led once more to an outbreak of Volunteer fever in anticipation of an attack by Napoleon III. Another Chinese War, and the looting of the Summer Palace in Pekin, kept her busy in 1860; and in 1861 came the Civil War in America. During this war the "Trent" affair seriously threatened the relations of England with the Federal States, while the doings of the "Florida," "Alabama" and other privateers that had been built in England for the Southern States, strained those relations almost to the breaking

point. It was in September, 1863, that Mr. Adams, protesting on behalf of the North against the departure of an ironclad that had been built in England for the South, wrote to Lord Russell that "it would be superfluous in me to point out to your lordship that this is war." During this period also (1861-66) there was a war with the Maoris in New Zealand; an expectation of war with Russia on account of Poland, and with Prussia and Austria on account of Denmark. In 1866-67, the "Great Reform" movement in Britain, and the Fenian movement in Ireland and America (with the "invasion" of Canada; the rescue of prisoners in Manchester, and the attempt to blow up Clerkenwell Prison), made aggression in South Africa impracticable, seeing that, at the same time, the French Emperor was a source of danger that England could never ignore. The war against the Abyssinian Christians, in which their capital, Magdala, according to Lord Napier's report, was reduced by fire to "blackened rock," occurred in 1868. Then from 1868 until 1870, Mr. Gladstone provided diversions by disestablishing the Irish Church and by introducing an Irish Land Bill—questions which tore Great Britain into two furiously hostile parties of fairly equal power. Not until Sedan in 1870 and the temporary crippling of France as the result of her war with Prussia, did England feel at liberty to assume the aggressive in South Africa, and then only tentatively, first by snatching the Diamond Fields from the Orange Free State at a time when it was well known that armed opposition would not be offered, and then, by attempting, though in vain, to oust Portugal from Delagoa Bay.* In 1873-74 the process was checked by the Ashantee campaign under Sir Garnet

* The British Government found it expedient to submit this matter to arbitration. Marshal Macmahon, the President of the French Republic, was appointed arbitrator by a Protocol signed at Lisbon in 1872. His award, which was given on July 24, 1875, was entirely adverse to the claims of Great Britain and confirmed in every respect the rights of Portugal.

Wolseley, to be revived, however, after the General Election which brought Mr. Disraeli to power in 1874. It was then that Imperialism culminated. In 1876 the Queen of England adopted the title of "Empress of India." In 1877 the South African Republic was overthrown and its territory annexed to the Imperial Crown.

But it should be understood that the accession to office of Mr. Disraeli as Prime Minister and of Lord Carnarvon as Secretary of State for the Colonies, made no radical difference in the South African policy of Great Britain. Their accession merely accentuated a tendency that existed already. The seizure of the Diamond Fields had been carried out under the auspices of Mr. Gladstone and Lord Kimberley. Ministers, whoever they might be, obtained from the permanent Under-Secretaries and other officials in London and at the Cape, the information upon which they based their policy; and, for some years preceding this date, in fact, ever since the discovery of gold and of diamonds in the Republics, it had been the aim of many of these officials, particularly at the Cape, to undo the work of their predecessors in 1852 and 1854, and to get possession of that which formerly had not only been thought valueless, but which, in any case, it had been absolutely necessary to leave alone so long as Napoleon III. kept England on the *qui vive*, and until Sedan removed the need for extreme caution.

Held in check, therefore, by the paramount requirements of the Foreign and other Offices of the British Government, these officials had waited their opportunity. As soon as it occurred, they secured the Diamond Fields. How that was done has been shown already. Next, they seized the Transvaal, as every one knows. But it is not so well known how they did it, or how hollow were the pretexts put forward to excuse the act. It is a chapter in South African history that has been as much misrepresented as any, and it has become of particular importance to put the facts on

record, and to show, also, how the grievances, which, before the annexation, were alleged to exist, were dealt with after the annexation had taken place. In this respect—and in others also—the march of events in the Transvaal is already, in broad outline, being repeated.

Most English writers have attempted to show that this annexation of the South African Republic by Sir Theophilus Shepstone in 1877, was an act of heroic self-sacrifice on the part of Great Britain. Mr. Martineau, for instance, says :

‘ But if Shepstone’s action was premature and faulty, the annexation was at any rate a generous and unselfish act on the part of the British Government in the interests of peace, and on behalf of the Boers and of natives alike ’ (p. 22).

Dr. Conan Doyle, not to be outdone, declares that—

‘ It cannot be too often pointed out that in this annexation, the starting-point of our troubles [!], Great Britain, however mistaken she may have been, had no possible selfish interest in view. There were no Rand mines in those days, nor was there anything in the country to tempt the most covetous ’ (p. 18).

Even Mr. Bryce, misjudging this, as he misjudges so many other matters where South Africa is concerned, states that—

‘ The act was not done in a spirit of rapacity. Neither the British Government nor the British people had the least idea of the wealth that lay hidden beneath the barren and desolate ridges of the Witwatersrand ’ (p. 156).

These statements are ridiculous. If, as Dr. Doyle says, there was nothing in the country “to tempt the most covetous,” how account for Shepstone’s assurance in a

despatch to Lord Carnarvon, dated March 12, 1877, from Pretoria—a month *before* the annexation :

‘The resources of the country for every class of farming, its mineral wealth, and its healthiness of climate can scarcely be overstated’ (C. 1776, p. 127) ?

Immediately after the annexation, in a despatch from the Colonial Office to the Treasury, dated June 8, 1877, the permanent Under-Secretary stated :

‘The natural resources of the country are very great . . . its climate is cool and healthy, and admirably adapted to the conditions of European life, while the soil appears to be fertile in an extraordinary degree, and both for pastoral and agricultural purposes is not surpassed, and probably not equalled, by any portion of South Africa. The country, moreover, is very rich in minerals. Gold, copper, lead, cobalt, iron, and coal have all been found there; they are believed to exist in large quantities, and in spite of all drawbacks some of them have been already regularly worked’ (C. 1814, p. 5).

Lord Carnarvon himself, in a despatch to Messrs. Krüger and Jorissen dated the 18th of August, 1877, arguing that the Transvaal could easily repay a large monetary advance, supports his argument by referring to “the reports which have reached me of the remarkable natural wealth and varied products of the Transvaal.” *

Surely no further proof is necessary that the most covetous might easily have been tempted, and that the plea of self-sacrifice is rashly proffered !

But there was another consideration, intimately connected with the foregoing, which helped to convince the Imperial authorities that the acquisition of the Republic was urgently necessary as well as desirable. President Burgers had been and was still doing his utmost to promote the construction of a railway from Delagoa Bay, in Portuguese territory, to Pretoria. He had been raising

* C. 1961, p. 33.

money in Holland for that purpose. This threatened the monopoly of the Natal merchants as forwarding agents for the Transvaal. It was felt that one of the chief sources of the Colony's livelihood and prospective wealth was at stake, and that nothing but annexation by Great Britain (and Natal) could prevent the building of the line. The Natal press was clamorous for intervention, and the united influence of the Colonists was brought to bear in the same direction—successfully.*

So much, then, for the motives that inspired the act. Now for the preliminary proceedings that led up to it.

The seizure of the Diamond Fields had really, as we have seen,† been the work of Mr. (afterward Sir) Richard Southey, the Colonial Secretary at Cape Town before the days of responsible government. He had caused himself to be appointed Governor of that district shortly after it had been declared British territory. According to Mr. Froude, who knew him, this gentleman “was in many ways a most admirable man.”

‘He was intensely English. *He believed in England's mission to establish an Anglo-African Empire.* . . . Native labour was wanted at the mines; the chiefs wanted rifles and powder. The two wants corresponded to one another, and trade and politics could be combined. The chiefs were invited to send their young men to the fields; the young men, when they returned, might carry back arms and ammunition. They were invited further to declare themselves British subjects, and Mr. Southey calculated that in this way he would be able to *hem the Transvaal completely round*’ [with armed natives].‡

The Sand River Convention of 1852 had provided that “all trade in ammunition with the native tribes is pro-

* After the annexation, when money was plentiful, the construction of this railway—so vitally necessary for the interests of the country—was postponed *sine die*. See Moodie, vol. ii. pp. 279–281; Roorda Smit, p. 80; Jessett, chap. v.

† See *supra*, p. 121, and footnote.

‡ J. A. Froude's *Two Lectures on South Africa*, delivered before the Philosophical Institute, Edinburgh, 1880; pp. 26, 27.

hibited both by the British Government and the emigrant farmers on both sides of the Vaal River." But a mere pledge such as this did not stand in the way of the High Commissioner, Sir Henry Barkly, who co-operated on all points with Mr. Southey. It was with his knowledge and approval, even if the responsibility, primarily, rested with Mr. Southey (first as Colonial Secretary of Cape Colony and then as Lieut.-Governor of the Diamond Fields), that some 400,000 stand of arms were disposed of to natives during four and a half years.*

* General Sir Arthur Cunynghame, as Chairman of a meeting of the United Service Institution, on May 3, 1878, said:—"There had been some dissatisfaction on the part of the Boers and others who carried on the Government at Pretoria, in consequence of the import of arms which was being allowed by the Cape Government and the Natal Government, and which were being sold to the natives of South Africa. That has been one of the great reasons of the troubles that have arisen. During the time I had the command of that country, and which has been for four years and a half, I believe 400,000 stand of arms have been sold to these natives" (*Journal Royal United Service Institution*, vol. xxii. No. xcvi. of 1878, p. 607).

Sir Henry Barkly's approval of this breach of the Convention was explicit. In *Incwadi Yami*, Dr. Matthews, who was living at the Diamond Fields at the time, relates that during Sir Henry Barkly's visit to Kimberley in September, 1872, a deputation waited upon him because "the neighbouring states had complained that guns and gunpowder were supplied to natives." Dr. Matthews says: "The natives at that time came here more for the sake of getting guns than for money, and the deputation urged a sufficient amount of labour to work the diamondiferous soil could not be obtained if the supplying of guns to natives were prohibited. . . . After hearing all the evidence and going into the question fully, *Sir Henry Barkly decided that the gun trade must not be interfered with*, and this opinion Governor Southey afterward endorsed" (p. 278).

Governor Southey's "endorsement," which was contained in a despatch dated Kimberley, April 11, 1874, in reply to a despatch from Sir Henry Barkly of March 11th, was written after there had been considerable trouble with natives in Natal. It is quoted by Dr. Matthews as follows, without comment, and apparently in oblivion of the fact that the Sand River Convention was still in force:

"15.—The alterations and changes made by the Cape Government, and with which I am desired to co-operate, are made avowedly at the instance of the Natal Government; and you have furnished me with an extract from one of that Government's communications upon the subject. I should have been glad to have been permitted to peruse the whole of the letter, as I have reason to believe that they attribute their late troubles, in a large degree, to the facility with which natives can obtain guns in this province, instead of, as in my opinion they should do, attributing them to their own mismanagement and mistaken policy.

"16.—It is not true that (as the colonial secretary of Natal erroneously alleges) arms and ammunition at the Diamond Fields pass more readily from the diggers to the natives than specie; the natives receive their wages invari-

This deliberate breach of the Convention was intended to be, and became, a political factor of the first importance. It encouraged the natives to attack the Boers. Then, if the natives got the worst of it, the British authorities could interfere on their behalf, and, on the pretext of saving them

ably in specie, they are paid weekly, and the usual rate of pay is ten shillings for the week. Those who obtain guns purchase them as a rule just before leaving for their homes, and only after producing the permits to purchase which the law requires. Comparatively speaking, but few Natal or Basuto natives come here; *the great bulk of our native labourers come from the interior northward of the South African Republic*, and considerably beyond the legitimate boundaries of that state, and their guns are not acquired for war purposes, but for purposes connected with legitimate and beneficial trade.

"17.—I cannot concur in the opinion of the Lieutenant-Governor of Natal that the acquisition of arms by the natives of the interior, who come here and work in the mines, is fraught with danger to the peace of South Africa, and *I am unable to see why we should cherish a friendly feeling with the neighbouring republics any more than with the various native tribes.*"

The Government of the Orange Free State, as well as that of the South African Republic (see *supra*, p. 147), protested vehemently, but in vain, against the High Commissioner's really criminal proceedings. The correspondence on this subject is contained in a publication, issued at Bloemfontein by the Free State Government in 1873. In a despatch dated January 23, 1873, the Government-Secretary of the Free State, Mr. F. K. Hohne, writing to the Cape Colonial Secretary, said that his Government—"cannot refrain from expressing it as their decided opinion, that serious trouble will arise, and from no other cause than the unrestricted and unlimited sale of firearms to natives by traders at the Diamond Fields . . . the Government of the Orange Free State are in duty bound to protest in the strongest terms, and in the most decided manner against the way in which the natives of the Interior are being supplied with firearms and ammunition, in direct opposition to the terms of a Convention entered into between Her Majesty's Government and that of the South African Republic, and by which, as is stated in a previous portion of this letter, the peace and safety of the whole of South Africa are endangered" (pp. 45, 46).

The Free State Government seized some waggon-loads of ammunition coming from the Colony and going to the Diamond Fields, through Free State territory; but the High Commissioner at once claimed that the territory in question was British, and insisted, with threats of war, upon complete restitution and an apology. The Free State Government thereupon restored, under protest, what had been seized, maintaining, however, that its action had been justifiable.

See also in C. 2676, p. 2, for a general statement by the Rev. Dr. Moffat, the well-known missionary, in regard to the sale of arms to natives by the British.

"How indefatigably did the sturdy Zulus pick and hack⁴ in our Diamond Claims, encouraged by the desired end, the possession of a gun, as the reward of their work!" This remark was made by Ernst von Weber in an article published in the *Geographische Nachrichten für Welthandel und Volkswirtschaft* of 1879, in which he argued in favour of establishing a German colony in South Africa. His article was translated and forwarded by Sir Bartle Frere to the Secretary of State. (C. 4190, p. 7.)

from "Boer aggression," could annex the Transvaal. If, on the other hand, the Boers proved unable to resist the natives, it could be said that the prestige of the whites throughout South Africa was at stake, and that on that account as well as for the sake of the Boers, it had become necessary to place their country under the protection of the British flag. In either event, a case for annexation could be made out.

Co-operating with these two officials, Sir H. Barkly and Mr. Southey, and as anxious as they were "to establish an Anglo-African Empire," were the Jingo newspapers of South Africa. *The Gold Fields Mercury*, published at Pilgrim's Rest, near Lydenburg, in the Transvaal, rendered particularly valuable assistance. It spoke with the authority of "the man on the spot," and the statements of its anonymous contributors were quoted gravely as conclusive proof of anything. Pilgrim's Rest was the Witwatersrand of that day, but it was a Rand on a small scale. There were hard times on the goldfields, and but few of the miners were satisfied with their prospects. So *The Mercury* had local material to work on, as well as appreciative audiences in Cape Town and Kimberley; and it mightily abused the Boer Government, the President, the local magistrate, who happened to be an Englishman, and every one else who did not agree with its policy and endorse its misstatements—for it gave outrageous and totally untrue accounts of all that occurred, while the moral it invariably pointed was that nothing but annexation by Great Britain could save the country from ruin.*

Land speculators formed the chorus: men who hoped that British rule would temporarily increase the value of their holdings, which consisted, for the most part, of "options."

* It is of interest to note that this newspaper, after the Annexation, was prosecuted by the Government it had evoked, and then expired.

As early as 1868 these gentlemen and their friends had bombarded the Cape Town and Port Elizabeth press with letters urging that, in view of the rediscovery of gold beyond the Vaal (1867), both the Republics should be annexed. The matter was pushed so far that a collection of such letters, with friendly editorial comments, was published anonymously in book form at Cape Town in 1868, under the title, *British Rule in South Africa*. In the same year the Legislative Council (mostly nominated) of Natal actually passed a resolution "recommending to the favourable consideration of Her Majesty's Government the annexation of the two Republics—the Orange Free State and Transvaal."*

These, then, were the forces in South Africa working for annexation. In Downing Street, Lord Carnarvon, the Secretary of State for the Colonies, who was as anxious as any one to colour the map red, at first pursued a line of his own to attain his end. Canada had recently federated, and he wished South Africa to do likewise, of course under the British flag. So in 1875 he sent General Wolseley to Natal as Administrator, partly for the purpose—if one can accept a statement said to have been made at the time by one of General Wolseley's staff—of annexing the Transvaal.† Lord Carnarvon's efforts, however, so far as the Transvaal was concerned, came to nothing,—General Wolseley, after reporting that the situation was not ripe for such a step, being recalled at the end of six months.‡

Mr. J. A. Froude, the historian, a year before this (in 1874), had been asked by Lord Carnarvon to visit South Africa in order to gauge the feeling of the States and Colonies on the subject of Confederation. Acting on Mr. Froude's impressions, Lord Carnarvon, in 1875, drew up

* *British Rule in South Africa*, p. 19.

† Colenso and Durnford, p. 64.

‡ Colenso and Durnford, p. 64.

a despatch designed to pave the way for a Confederation Bill, though its ostensible object was to convene a South African Conference for the consideration of certain questions of general interest. He requested Mr. Froude to return to South Africa as a member of the Conference.

Superficially, Lord Carnarvon's proposals at this time, and their explanation by Mr. Froude, speaking on Lord Carnarvon's behalf, showed an astonishing deference to the rights and wishes of the two small Republics. Speaking at Cape Town, in June, 1875, Mr. Froude declared :

'So long as the people of the Free States desire to retain their freedom, the English statesman is not born who will ever ask them to surrender it, or endeavour to entice them back under the British flag unless they are willing to come back, and consider it would be for their own benefit.'*

At Port Elizabeth, shortly afterward, speaking of Mr. Southey's policy as the Administrator of Griqualand West (called elsewhere in these pages "the Kimberley District"), he condemned it vigorously, describing it as—

'A policy of fastening on the soil of the Orange Free State, involving yourselves with them in small and exasperating disputes, advancing one claim here and another there, to continue a series of provocations till you irritate them into violent language or some precipitate action that would be a pretext for an attack, and can proceed upon the plea that they have themselves begun the quarrel.'†

And in case it may be supposed that Mr. Froude on these occasions was speaking irresponsibly, and in his private capacity only, it should be observed that he described himself at the time as Lord Carnarvon's "unworthy representa-

* Quoted by Molteno, vol. i. p. 364.

Mr. Froude said this *before* the event. In 1903, Mr. Chamberlain, *after* the event (another event), and while in Pretoria, declared: "I say to you once for all, I would rather go back to England empty-handed than bear with me arrangements extorted from an unwilling people"! (London Times, January 9, 1903).

† Quoted by Molteno, vol. i. p. 385.

tive," and that Lord Carnarvon himself, in a despatch dated January 24, 1876, referring to Mr. Froude's proceedings in South Africa, said :

'He has possessed from first to last my full confidence . . . he has been able to explain the general tenour of my wishes and objects with an eloquence and fulness and ability to which, hereafter, if not now, ample credit, I am convinced, will be given.' *

Cape Colony, however, in 1875, had already obtained responsible government, and Lord Carnarvon and Mr. Froude, in spite of their fair words to the Republics, went to work in such an arbitrary and unconstitutional way in their dealings with the Colony, that the Cape Ministry, besides objecting to the policy of Confederation as premature, objected as strongly to the manner in which it had been advocated. When, therefore, the Orange Free State also rejected Lord Carnarvon's overtures—President Brand informing him that "the resolutions of the Volksraad . . . entirely preclude me from entering upon a discussion of the question of Confederation" †—the whole plan had to be abandoned.

But Lord Carnarvon would not accept defeat. He had merely discovered that what he, probably, would have described as "constitutional" means had failed. So, regardless of having until now "so lavishly professed the purest sentiments of friendship and goodwill" ‡ for the Boers, he turned completely round and fell into line with the policy and tactics which his representative, Mr. Froude, had so unsparingly condemned. He made up his mind that instead of using Cape Colony as his lever, he would work directly on the South African Republic, and would,

* Quoted by Molteno, as from C. 1399, p. 87.

† C. 1681, p. 1. President Brand's letter was dated August 17, 1876, and referred to the resolutions of the Volksraad of February 11, 1876.

‡ As said in an Address to the British Prime Minister from the Cape Afrianders, in March, 1880. (C. 2695, p. 12.)

if necessary, resort to violent measures to attain his end. Writing to Mr. Froude on October 13, 1876, he said :

'A strong hand is necessary . . . I propose to press by all means in my power my Confederation policy in South Africa. . . . I do not estimate the time required for the work of confederating and consolidating the confederated state at more than two years.'*

Bishop Colenso of Natal, writing on March 31, 1876, had summed up the situation as follows :

'I must conclude that he [Lord Carnarvon] has made up his mind to sacrifice truth and justice to political considerations, especially to his desire to bring about the South African Confederation, for which he considers that he has special need for Mr. Shepstone's assistance.'†

The editing of Blue Books, even at that date, had become a fine art. The "Further Correspondence" (C. 1776), in which the Annexation Proclamation stands last, contains pages of preparatory slander made up of anonymous articles from anti-Boer newspapers. Sir Henry Barkly treats these articles as serious and authoritative contributions to history, while Lord Carnarvon thankfully accepts them in the same spirit. These slanders consist, for the most part, of sweeping and wholly unsupported accusations of cruelty to natives,‡ plentifully interspersed, on the other hand, with statements that the Boers were at the mercy of the natives ! Editorial comments such as the following might have served as a model for some Johannesburg editor, and as material for some Blue Book compiler, in later years :

* Martineau's *Life of Sir Bartle Frere*, vol. ii. pp. 161, 162: quoted by Molteno.

† Bishop Colenso also said (June 27, 1876) : " But he [Lord Carnarvon] seems infatuated about this Confederation scheme, which is quite premature, and, I strongly suspect, will end in a complete fiasco " (*Life of Bishop Colenso*, vol. ii. pp. 444, 445).

‡ Needless to say that no steps were taken after the annexation to prove the truth of these charges, or to bring the accused to trial.

'The population of this Republic has sunk below the point at which it could retrieve itself. It has not the substratum of vigorous national character; it has not the leaven of good moral principle; it has not the latent yearnings which many a people, long deprived of high advantages, has yet kept alive; any one of which qualities would be sufficient ground for hope in the future. The only thing that can save it from a still lower social degradation, and a deeper depth of crime, is that it shall be taken under the authority and tutelage of a stronger and wiser people, and be taught, *ab initio*, as a child is taught, its duty as an integral portion of the great commonwealth of nations.'*

The revolt of a native tribe, of which more will be said later, provided the High Commissioner and Lord Carnarvon with an opportunity, which they quickly seized, further to prejudice the Boers and the Boer Government in the eyes of the British public. This disturbance also enabled them to harass President Burgers, who, in addition to the task of suppressing the revolt, had to fight the British authorities at every step. He was simply persecuted with complaints and accusations, direct and indirect, of which the following is a fair sample.

In the *précis* given in the Table of Contents of the despatches in Blue Book C. 1748—and Tables of Contents are all that most people read of Blue Books—are these entries:

'Governor Sir H. Barkly, July 6, 1876, "Respecting alleged intention of Transvaal Government to use *explosive bullets* in war with the natives" (p. 58).

'Lord Carnarvon, August 2, 1876, "Expressing hope that the rumour as to intended use of *explosive bullets* is untrue, but desires early information of any further intelligence on the subject" (p. 62).

'Colonial Office to T. Shepstone, Esq., August 3, 1876, "Desiring him to ascertain if any *explosive bullets* are being shipped from this country for South Africa" (p. 62).

'Colonial Office to Crown Agents, requesting them to make similar inquiries.

* *The Cape Argus*, December 12, 1876: "From our Special Correspondent in the Transvaal": quoted in C. 1776, p. 18.

‘Crown Agents to Colonial Office, August 17, 1876, “Cannot discover that any *explosive bullets* have been or are being shipped from England to South Africa” (p. 75).

‘Lord Carnarvon, August 25, 1876, “Forwards letter from Crown Agents stating that no *explosive bullets* have been shipped for South Africa” (p. 79).

‘Governor Sir H. Barkly, August 31, 1876, “On the subject of alleged intended use of *explosive bullets* by Transvaal Government. Reports that some packs of such bullets are in the possession of that Government” (p. 107).

‘Lord Carnarvon, September 30, 1876, “Expressing regret that there should be any foundation for the report that *explosive bullets* might be used by the Transvaal Government. Instructs him [Sir H. Barkly] to make remonstrances if such use appear probable, or to adopt any practicable measures to prevent it” (p. 119).’

And now, what was the basis upon which all this slanderous insinuation was founded? In the first despatch (of July 6th), the following extract was given from the *Volksstem*, a Boer newspaper published in Pretoria:

‘Several papers have been kind enough to tell their readers that this Government is going to use explosive cartridges in the war with Sikukuni. We have instituted inquiries, and learn from the best possible authority that no such cartridges were ever ordered by Government; but in a box of cartridges bought by Government in Pretoria, a few packs of explosive cartridges were found, which, however, will not be used against the enemy. There is, therefore, no foundation for the statement made by some of our contemporaries and their correspondents. Will the kind Exeter Hall gentlemen guarantee that their dusky *protégés* will also abstain from the use of such barbarous weapons?’

So it was not upon any affirmation, but upon this denial, that the whole story in the Blue Book was built up. Worse than this, Lord Carnarvon’s last despatch, “expressing regret that there should be any foundation for the report that explosive bullets might be used by the Transvaal Government,” was written in reply to the despatch from Sir H. Barkly of August 31st, which, pre-

tending to give further information, really only repeated the facts contained in the above contradiction in the *Volksstem*. This contradiction amounted to the admission, Sir H. Barkly re-announced, "that some packs of such bullets (which are used, I believe, occasionally in elephant hunting) had been found at Pretoria among ammunition purchased by the Government." This re-announcement was treated by Lord Carnarvon as if it were additional evidence of an incriminating character. In the *précis*, quoted above, there is, as might be expected, no reference to the concluding paragraph of Sir H. Barkly's despatch, in which he said, with evident regret: "I am bound to add, however, that no mention has been made in any of the accounts given as to the progress of the war, of explosive bullets having been actually employed, and I have no reason to suppose that this has been the case."*

Another "atrocities by suggestion" in connection with this native war, originated in the office of *The Gold Fields Mercury*. Toward the end of the campaign a corps of volunteers had been employed by the Transvaal Government to conclude the work begun by the burghers. These volunteers, several of whom were Englishmen, were under the command of an officer who was very popular with his men but who was detested by the *Mercury*—detested politically, that is. He was a Captain von Schlickmann, and had at one time held a commission in the German army. The *Mercury*, in September, 1876, accused him, in the most violent terms, of having allowed native women and children to be killed. This charge was adopted with enthusiasm by the High Commissioner, and then by Lord Carnarvon, as an additional cause for complaint against the Republic, and it was made to appear that Boer volunteers

* Needless to recall the fact here, that it was the representatives of Great Britain who took the lead, against the majority of the powers at the Hague Peace Conference, in insisting upon the fairness and necessity of using expanding bullets when fighting native races!

were the culprits. Captain von Schlickmann's indignant denial, when called upon by President Burgers for an explanation, of course was not considered "satisfactory" by the Imperial authorities.* The charge rested entirely upon anonymous statements, but the Secretary of State and the High Commissioner in their despatches, besides referring to it as if it had fully been proved, absolutely ignored the fact that the outrages were alleged, even by this English anti-Boer editor, to have been committed, not by Boers, but in one case by Kaffirs and *in all other cases by Englishmen*—"even one who claims to hold a commission in Her Majesty's Army, is a leader amongst them," he declared. He actually said a good word for the Boers in his anxiety to attack the volunteers, declaring of the former that "at any rate we know one thing, the Commando wantonly killed no women and children."† Nevertheless, it was the Boers who were credited in England with outrages that probably never took place, and with which, in any case, they had had nothing whatever to do.

When, by these and other means, English antipathy to the Transvaalers had been revived sufficiently, Sir Theophilus Shepstone, formerly Secretary for Native Affairs in Natal, was sent out with a special Commission to see what could be done in the direction of taking possession of the country. It was left to him to invent the necessary excuses for the act, such as circumstances at the time might suggest;‡ and it was for him to create such circumstances, should they be lacking, so as to avoid, if possible, the appearance of violence or the employment of any large body of troops. But that, before he left England, Lord Carnarvon had instructed him to annex the Transvaal if he could, cannot be doubted by any one who, while reading

* C. 1748, p. 175.

† Ibid., pp. 159-162.

‡ Compare the methods of the same Government when dealing with Afghanistan; see *infra*, p. 222, footnote.

Shepstone's Commission, will bear in mind Lord Carnarvon's admitted anxiety to bring about the federation of the States and Colonies of South Africa under the British flag.

The Commission, dated October 5, 1876, "appointing Sir Theophilus Shepstone, K.C.M.G.,* to be a Special Commissioner to inquire respecting certain disturbances which have taken place in the territories adjoining the Colony of Natal," set forth :

'If the emergency should seem to you to be such as to render it necessary, in order to secure the peace and safety of Our said Colonies, and of Our subjects elsewhere, that the said territories, or any portion or portions of the same, should provisionally, and pending the announcement of Our pleasure, be administered in Our name and on Our behalf; then and in such case only, We do further authorise you, the said Sir Theophilus Shepstone, by Proclamation under your hand, to declare that from and after a day to be therein named, so much of any such territories as aforesaid, as to you after due consideration shall seem fit, *shall be annexed to and form part of Our Dominions*. And we do hereby constitute and appoint you to be thereupon Administrator of the same provisionally and until Our pleasure is more fully known.

'Provided, first, that no such Proclamation shall be issued by you with respect to any district, territory, or state unless you shall be satisfied that the inhabitants thereof, or a sufficient number of them, or the Legislature thereof, desire to become our subjects, nor if any conditions unduly limiting Our power and authority therein are sought to be imposed. And, secondly, that unless the circumstances of the case are such as in your opinion make it necessary to issue a Proclamation forthwith, no such Proclamation shall be issued by you until the same has been submitted to and approved by Our trusty and well-beloved Sir Henry Barkly' [the Governor of Cape Colony].†

It should be understood that the terms of this Commission were not published until April 12, 1877, when the annexation was consummated. The clause which provided that Sir Theophilus was not to "annex" the Republic "unless *you* shall be satisfied that the inhabitants thereof, or a sufficient

* He had been specially knighted for the occasion.

† C. 1776, pp. 1, 2.

number of them, or the Legislature thereof, desire to become our subjects," was of course worded in that way so as to leave the Commissioner free to decide on behalf of the Boers what they wanted, or, in other words, so as to make him judge, jury, and prosecuting counsel in one, with the Republic as a criminal in the dock. As soon as they saw the Commission the Boers understood, for the first time, why it was that Sir Theophilus had shown himself so anxious to make them pronounce their own doom, and why he had taken such pains to cover the traces of the coercive measures which he had adopted to attain his end. But this, as said, did not become clear to them until April, 1877.

In November, 1876, Sir Theophilus, armed with the above Commission, arrived in Natal from England. He did not at once continue his journey to the Transvaal, as he wished first "to learn what might be the intentions of Cetywayo, King of the Zulus." * It was not until December 27th that he left Pietermaritzburg, crossing the Transvaal frontier on January 4, 1877. He had written as follows, on December 20th, to President Burgers:

' SIR,—I herewith beg to inform you that in consequence of the reports which reached England, during my recent visit there, of the disturbed condition of affairs in South-eastern Africa, Her Majesty's Government, having regard to the situation of the British Colonies, and the danger to which the important British interests existing in this country were exposed by what was passing, and which could not fail to be a subject of anxious consideration to Her Majesty's Government, thought fit to direct me to return to South Africa, and make special inquiry into the origin, nature, and circumstances of the disturbances, and of the several questions, the existence of which is a source of so much danger, with a view to the securing, if possible, the adjustment of existing disputes and difficulties, a settlement of the questions out of which they have arisen, and the adoption of such measures as may appear best calcu-

* C. 1776, p. 81: Shepstone to Lord Carnarvon, in a despatch dated January 18, 1877, from Heidelberg, in the Transvaal.

lated to prevent their recurrence in future. In accordance with instructions I have received, I propose to leave Natal about the 3rd of January next for Pretoria, for the purpose of conferring on the part of Her Majesty's Government with your Honour and the Government of the South African Republic on the matters to which I have referred, and I feel no doubt that I can reckon with confidence upon your hearty co-operation in efforts to attain objects which, in the interest of all South African Colonies and States, your Honour's Government must desire, as earnestly as Her Majesty's Government can, to see accomplished. I shall be accompanied by a staff of six or seven gentlemen, and by 25 men of the mounted police of this Colony as a personal escort; and as I assume that your Honour will entertain no objection to my being so accompanied, I shall not think it necessary to await your reply before setting out on my journey.' *

It will be observed that in the above letter there is no mention of annexation, even as a remote possibility. That part of his Commission was kept carefully in the background. He was visiting the Transvaal as a friend, "to co-operate" with its Government in the attainment of objects which "your Honour's Government must desire, as earnestly as Her Majesty's can, to see accomplished." So, throughout his journey to Pretoria, where he arrived on January 22, 1877, the burghers greeted him with courtesy.†

A few days after his arrival he was received by the President and the Executive Council, to whom he gave a somewhat wider view of his mission than he had thought it expedient to give in his letter to the President. Annexation, however, was still kept in the background. He merely told them, as he stated in a despatch to Lord Carnarvon, dated January 26, 1877, "that the weakness of the Republic had become a source of danger to itself and its neighbours, and that the object of my mission was to confer with the Government and people of the Transvaal with the object of initiating a new state of things which would guarantee security for the future." † But this, taken

* C. 1776, p. 40.

† Ibid., p. 88.

† Ibid.

in connection with Lord Carnarvon's public efforts to bring about Confederation, was enough, not perhaps to suggest extreme measures, but in any case to suggest some tampering with the position of the Republic as acknowledged in the Sand River Convention. Sir Theophilus, therefore, found himself immediately checked. In the words following those last quoted from his despatch of January 26th :

‘ Mr. Paul Krüger, who is a member of the Executive Council, and the only opponent of Mr. Burgers for the position of President, did not object to the discussion of the causes which are said [by Sir Theophilus] to produce insecurity or inconvenience to neighbouring States or Governments, but positively declined to enter upon the discussion of any subject that might involve in any way the independence of the State as a Republic.’

In consequence of this rebuff, the Special Commissioner, from vague generalities, relapsed into silence. Conditions were not ripe for action, so it became his business to ripen them. He had to create a situation which, properly represented (in this case meaning misrepresented), would enable him to pretend that the “inherent weakness” of the country made its annexation a positive obligation. He had to make it appear, to quote Mr. Bryce—although Mr. Bryce imagines that he describes facts instead of appearances—that :

‘ The Transvaal Republic was bankrupt and helpless, distracted by internal quarrels, unable to collect any taxes, apparently unable to defend itself against its Kaffir enemies, and likely to be the cause of native troubles which might probably spread till they affected all Europeans in South Africa’ (p. 156).

Publicly, a mysterious silence was the best instrument Sir Theophilus could have employed, and he employed it most skilfully. The Boers, when it was all over, did not hesitate to declare that he had attained his end “by craft, deceit, and threats,” but they were the first to acknowledge

that, so far as unscrupulous cleverness was concerned, it would have been difficult to find his superior.

His attitude introduced an element of uncertainty and embarrassment into the situation that almost paralysed the Executive. No one knew what he was going to do. But annexation, so long clamoured for by some of the English residents, began to be looked upon as a dread possibility. From one point of view he should have been put promptly over the border; but he had come as a friend, he was the representative of a power "in friendly treaty relations" with the Republic, he was regarded as a guest, and, officially, he said nothing. Moreover, he was dealing with the Boers, an unusually kindly, hospitable, and patient people, then, as now, perhaps too easily affected by any show of interest in their welfare, particularly when expressed in their own language, which Shepstone spoke perfectly.

The Commissioner's long silence, besides being his best weapon of offence against the Republic, was in any case necessary. Military reinforcements had been sent out, shortly after he had left England, to support his action—"to add weight and *incline obedience* to any declaration which Her Majesty's Government might think fit to make in or with regard to" the territory in question, as he himself phrased it.* These reinforcements had been diverted, temporarily, to Cape Colony, as there was danger of trouble with natives on its frontier.† The consequence was that the troops did not reach their destination—Newcastle, in Natal, near the border of the Transvaal—until late in March, 1877.‡ Meanwhile Sir Theophilus, in Pretoria, was obliged to remain silent § and to wait for their arrival in his support before taking action.

He had been informed that the commander of these

* C. 1776, p. 24.

† Ibid., p. 22.

‡ Ibid., p. 104.

§ Not until the beginning of March did Shepstone announce to some members of the Volksraad, in a private interview, that they were unfit for self-government, and that England would have to rule on their behalf. (Dr. v. Oordt, p. 43.)

reinforcements "will be instructed to hold himself and the force under his command in readiness to proceed . . . at any time to any place in the Transvaal Territory to which he may be formally requested by you, as Special Commissioner, to proceed." * And in case it may be supposed that these troops were to have been employed for a pacific purpose only, it should be noticed that at the last moment steps were taken to strengthen the force "to prevent delay or *possible disaster* in the event of their services being called for." †

Before leaving Pietermaritzburg, Sir Theophilus had obtained the services of a Royal Engineer, Colonel Brooke, as a member of his staff, and took an early opportunity (February 14th) to send back to Natal, for the "confidential" use of the officer in command of the troops there, a map, sketched by Colonel Brooke, showing "where water, provisions, and forage can be obtained . . . the distances to be traversed" from the Natal frontier to Pretoria: ‡ a proceeding which, it is to be presumed, he would also have characterised as purely friendly. §

By the time the Commissioner had heard of the arrival of the reinforcements, his long silence had produced the desired effect. Circumstances had favoured his schemes. And it now becomes necessary to review those circumstances and to consider how Sir Theophilus and the British Government dealt with them before and after the annexation.

First, however, it should be said that at the time of the Commissioner's visit to the Transvaal, President Burgers'

* C. 1776, p. 104 : This use of the term "*Transvaal Territory*," even before the annexation, was most significant.

† C. 1776, p. 139.

‡ Ibid., pp. 102, 104.

§ Immediately after the Jameson fiasco, other British officers, also travelling in the Transvaal as "friends," made maps of the South African Republic and of the Orange Free State, for the Intelligence Department of the British War Office. These maps were designed to show how the Transvaal could best be invaded *through the Free State*, and were used against the Boers, for that purpose, during the war of 1899. Several official copies of these maps were captured, some of which are now in the possession of the writer.

term of office had almost expired. The country was on the verge of an election, and party feeling ran unusually high for the reason that religious questions were involved in the choice between candidates. The Commissioner, of course, took advantage of this element of weakness in the Boer position, and tried to make it appear that a civil war was imminent. The suggestion was not based upon fact. President Burgers, in spite of his many noble qualities, had lost the confidence of the people. Further, he was the last man living to have resorted to force, with or without a chance of success, in order to retain a position which the majority did not wish him to occupy longer; while the only other candidate, Mr. Krüger, before consenting to be nominated, made it a condition with his election committee:

‘That, if Burgers obtained a majority, they must rest content and obey him, so as not, through open discords, to give England an excuse for carrying out her plans of annexation.’*

But the political situation was a minor circumstance, on which Sir Theophilus knew better than to lay much emphasis. The factors of which he made use—they have been dandled before the eyes of Englishmen ever since in justification of his conduct—were:

- (1) The revolt of Sikukuni;
- (2) The attitude of the Zulus;
- (3) The financial position of the Republic;
- (4) The alleged willingness of the majority of the burghers to accept British rule.

These points must now be considered in detail.

* *Memoirs of Paul Krüger*, vol. i. p. 130.

CHAPTER XIII

THE SIKUKUNI REVOLT

THE Sikukuni revolt was one of the direct results of Mr. Southey's policy of arming the natives. A more general result of that policy was that Sir Theophilus Shepstone was enabled actually to use this breach of the Sand River Convention by his fellow British official, as an argument that the annexation of the Republic was necessary: "the rapid increase which of late years the almost universal possession of fire-arms has given to the offensive and defensive powers of the natives," proved the need for the step, he had the temerity to urge in a despatch to Lord Carnarvon,* knowing as he did, just as well as Mr. Southey, how those fire-arms had been obtained.†

It should be stated at once, however, that although Mr. Southey's action served the immediate purpose of these Imperialistic plotters, the British Empire had to pay bitterly for his success, and that, in violating right principle, he had done that which a little foresight would have shown him was profoundly inexpedient. The natives whom he had armed against the Boers used their arms with equal freedom against the English. The Zulus under Cetywayo, the Kaffirs under Kreli, the Basuto, Korannas, Griquas, Bechuanas and others, all employed these weapons against British and British Colonial troops. Sikukuni himself, as

* March 12, 1877, in C. 1776, p. 127.

† See *supra*, p. 158.

we shall see, used them against General Wolseley and other Imperial officers in the Transvaal. It was a lesson that should have been remembered. Unfortunately, it seems to have been wasted on the representatives of Great Britain, for they have been guilty since then of the same blunder and the same crime.

Hostilities with Sikukuni began in 1876.* Before giving the particulars and the necessary references to the official documents of the period, the following comparative summary will show briefly the treatment of the matter by the Imperial authorities before and after the annexation.

(A.) *Before* the annexation the Imperial authorities declare that Sikukuni is not and never has been a Transvaal subject, that his district is not within the Transvaal, and that he is not, therefore, a rebel.

After the annexation they declare that he is a Transvaal subject, that his district is within the Transvaal, and that he must acknowledge the fact or leave the country.

(B.) *Before* the annexation they declare that the Boers were beaten by Sikukuni.

After the annexation they admit that Sikukuni agreed to pay 2,000 head of cattle as a war indemnity to the Republic.

(C.) *Before* the annexation they declare that the prolongation of the war between the Boers and Sikukuni

* The first we hear of this war from the British side is in Blue Book C. 1748 of 1877. In the Table of Contents are these entries:—

“Lieut.-Governor Sir H. Bulwer [of Natal], April 29, 1876, ‘Reports that a hostile movement has been made against the Transvaal by the powerful Chief Sikukuni on their north-eastern border’ (p. 31).”

“Lieut.-Governor Sir H. Bulwer, June 12, 1876, ‘Reporting that the Transvaal Government have called out a “Commando” with the object of punishing Sikukuni’ (p. 52).”

imperils the prestige of the white race and is a danger to all South Africa.

After the annexation they permit their own war with Sikukuni to drag on twice as long, after meeting with several serious reverses.

(D.) *Before* the annexation they protest against the employment of 1,000 Swazi natives by President Burgers against Sikukuni.

After the annexation they employ five times that number of Swazies for the same purpose against the same chief.

Dealing now with the items of the foregoing summary :

(A.)

Sikukuni was a subject of the Republic and had rebelled against its authority. President Krüger declared before the Royal Commission of 1881 that for many years before this rebellion Sikukuni had paid taxes and had continued to do so until "incited not to pay."* But in 1876 the Imperial authorities denied repeatedly and emphatically that he was or ever had been a Transvaal subject. President Burgers had the records of the Republic and of the district of Lydenburg, in which Sikukuni lived, to draw upon, and, in a long despatch, gave copies of treaties and other conclusive evidence in support of his contention. The High Commissioner, however, criticising this despatch, did not hesitate to rely on an unsigned article which had appeared in a Kimberley newspaper, and on bare assertions contained in it, as sufficient to refute the statements of the Transvaal President.

Thus, President Burgers had shown in his historical sketch that :

* C. 3219, p. 37.

‘After the death of Sequati, his son Sikukuni made application to the authorities at Lydenburg to be acknowledged Chief in his father’s place. His application being in accordance with a request made by Sequati before his death, was granted; and Sikukuni, on being acknowledged, paid the customary tribute.’*

The anonymous contributor to the *Diamond News*, in a violently anti-Boer article, undertook to say :

‘Mr. Burgers endeavours to distort the notice which Sikukuni sent to the Landdrost of Lydenburg of his accession to the Chieftancy, after his father’s death, into a request by him to be acknowledged by the State as Sequati’s successor, and states that he at the same time paid the accustomed tribute. This latter statement we know to be incorrect.’†

An unsupported assertion by an anonymous writer. Nevertheless, Sir H. Barkly, in a despatch to Lord Carnarvon, referred to this article as one “in which several of Mr. Burgers’ most confident assertions are refuted,” and stated that “a perusal of it will satisfy your Lordship that . . . it is not true that Sikukuni asked to be acknowledged by the Republic as his father’s successor, or ever paid tribute to it.”‡

More directly than this, and time after time, the High Commissioner and the Secretary of State, regardless of the evidence, denied dogmatically that Sikukuni was a subject of the Republic. Thus, in the Table of Contents of C. 1748 :

‘Governor Sir H. Barkly, October 2, 1876, “Forwards reply from President Burgers on the subject of the war. Combats the President’s assertion that Sikukuni is a rebellious subject of the Transvaal Republic. Shows that his territory was never included within the limits of the Republic until the publication of a map in 1875” (p. 139.)

‘Lieut.-Governor Sir H. Bulwer, October 12, 1876, “Sends letter from President Burgers on the subject of the war, expressing his determination to repress the ‘rebellion’ of Sikukuni” (p. 197).

* C. 1748, p. 234.

† Ibid., p. 250.

‡ Ibid., p. 244.

'Governor Sir H. Barkly, November 18, 1876, "Forwards, with comments, a despatch from President Burgers defending the action of the Transvaal Government in regard to Sikukuni, and setting forth the grounds upon which his territory is claimed as part of the Republic" (p. 229).

'Lord Carnarvon, December 23, 1876, "Hastens to record dissent from assumption, contained in letter from President Burgers, that Sikukuni is a rebel whom the Transvaal Government were bound to punish" (p. 242).

'Governor Sir H. Barkly, December 4, 1876, "Sending copy of his reply to President Burgers on the subject of the claims of the Transvaal Government to Sikukuni's territory" (p. 244).

'Lord Carnarvon, December 30, 1876, "In reply to President Burgers' defence of the conduct of the Transvaal Government. Considers it clear that the Republic has no real claim to any territory beyond the Steelpoort River [to the south-east of Sikukuni's district]" (p. 255).

The encouragement thus given to Sikukuni; the unwarrantable interference in the affairs of the Republic in violation of the Sand River Convention; the insulting treatment of President Burgers personally; even the extravagant disregard of facts which the attitude of the Imperial authorities entailed, need not be considered further. The point of most importance is the absolute reversal, as soon as the annexation had taken place, of all that had previously been declared.

As soon as the annexation had taken place it was not only discovered suddenly that Sikukuni had been a Transvaal subject, but he was told that unless he acknowledged the fact promptly, he would be turned out of the country!

And this is how he was told. On May 9, 1877, not quite four weeks after the annexation, Sir Theophilus Shepstone sent word to him in writing that:

'This country, formerly known as the South African Republic, has been taken over by the British Government, and is now British territory . . . If Sikukuni and his people wish to remain within the territory, he and they will be recognised as British subjects. . . . His Excellency desires that Sikukuni will without delay acquaint him through Captain

Clarke at Lydenburg, whether it be his wish to *remain as such subject or to leave the country he now occupies*. . . . The 2000 head of cattle promised by Sikukuni to the late Government as a war indemnity must be paid without delay to Captain Clarke.'

Then, on June 13th, Captain Clarke reports to Sir Theophilus:

'I have the honour to inform you that in compliance with your instructions, I sent a messenger to Sikukuni to inform him that I was appointed to receive his decision as to whether he would become a loyal subject of Her Majesty, pay taxes, and with the people under him be amenable to law and order, *or leave the Transvaal territory*. . . . My messenger returned, accompanied by a headman from Sikukuni, who said that his Chief desired him to say that he thanked you, he gladly accepted the conditions offered him.'*

(B.)

It will have been noticed in the above extract from Shepstone's letter to Sikukuni that the latter was ordered to pay "the 2,000 head of cattle promised by Sikukuni to the late Government as a war indemnity." In view of such a demand, it may seem incredible that until after the annexation had been proclaimed, Sikukuni was always represented in British despatches as having been victorious in the war. But in this case the incredible is the true:

'Governor Sir H. Barkly, August 25, 1876, "Progress of the Transvaal war. Reported *defeat* of President Burgers by Sikukuni" (p. 100).

'Governor Sir H. Barkly, August 31, 1876, "Further information as to the *defeat of the Transvaal forces* in their attack on Sikukuni's stronghold" (p. 113).

'Lieut.-Governor Sir H. Bulwer, September 6, 1876, "Further information as to progress of the war. *Defeat of the Transvaal forces confirmed*. The Volksraad summoned to meet on 4th September to provide means for carrying on the war" (p. 127).'

* C. 1883, pp. 25, 26.

† C. 1748, Table of Contents.

And that was the impression left on the mind of the English public, an impression confirmed by the wording of Shepstone's Annexation Proclamation which made it appear that "the Government of the country had been defeated in an attempt to compel Sikukuni, a Kaffir chief, to obedience."* Nothing could have been further from the truth. The statement that President Burgers had been routed by Sikukuni was the invention of the English annexation party in the Transvaal, and was seized upon and elaborated by the anti-Boer press, which actually reported that Sikukuni was "in full pursuit of the flying army to Pretoria."†

The fact was that the Boers, having set fire to Sikukuni's town, knew that he would not dare to leave his mountain fastnesses after the severe punishment he had received. They knew, too, that at that time of the year fever and the annual horse-sickness would expose them, in the Lydenburg district, to almost certain death, and, in any case, to the loss of their horses. They decided, therefore, for these reasons, and against the wishes of the President, not to continue the campaign during the summer months. So they dispersed temporarily, arranging to re-assemble before the next harvest, when it would be possible, by capturing the native crops, to inflict more damage upon Sikukuni in a few days than by carrying on hostilities during the whole of the hot season.

The majority of the burghers objected in any case to fight under the command of President Burgers, of whose heterodoxy in matters of religion they stood in considerable dread. But, apart from that, they understood the methods of native warfare better than he did; and it was with the

* The clause of the Proclamation referring to Sikukuni was summarised as above by Shepstone's supporters in a certain "Humble Petition of the Loyal Inhabitants of the Transvaal," dated May 1, 1881. (C. 2950, p. 184.)

† Compare Dr. van Oordt, p. 39.

native enemy before them that they chiefly concerned themselves. The President, on the other hand, thinking of the white enemy in their rear, and foreseeing how the withdrawal of the Boers would be misrepresented, was most anxious to continue the campaign. The result was that events justified both the military judgment of the burghers, and the political anticipations of the President: Sikukuni sent to Pretoria to sue for peace, and the white enemies of the Republic, before Sikukuni made this appeal, seized upon the temporary retirement of the commando as evidence of total and irretrievable defeat.*

Defeat having been alleged in support of the English cry for annexation, those who had announced it felt obliged, in spite of Sikukuni's surrender, to adhere to their original misstatement and to misrepresent subsequent events accordingly. Naturally their version was accepted in England, by the Secretary of State for the Colonies among others, in answer to whom, in 1878, Messrs. Krüger and Joubert pointed out that Sikukuni "had been reduced to the greatest straits, and had sent to Pretoria to sue for peace. . . . It is utterly incorrect to say that there was any danger to be feared from Sikukuni, for it is well known that he never came beyond his own strongholds."†

Even the conditions of peace that were granted finally by the Boers have been the subject of gross misrepresentation, every possible effort having been made to prove that Sikukuni was the victor. So the facts in regard to the peace must also be placed on record.

* The President's reasons for objecting to the withdrawal were sound, politically, in view of the facts as they were known to him at that time. But it is evident now, considering all that has since been brought to light, that even the immediate annihilation of Sikukuni and his people would not have altered the fate of the Republic: instead of alleging defeat, it would then have been said that annexation was necessary in order to save the rest of the native population from similar treatment. Whatever the Republic had done, or had left undone, would have been interpreted in that way, for the attainment of that end.

† C. 2128, p. 5: despatch of July 10, 1878.

The annexation, it should be remembered, did not take place until April 12, 1877. On February 7th of that year, the news reached Pretoria that the commissioners appointed by the Transvaal Government in response to Sikukuni's appeal, had granted terms of peace to his delegates in the early part of the month. The document had duly been signed by both parties of delegates, but the Transvaal commissioners had stipulated as a condition, that the Boer forts were not to be evacuated until Sikukuni himself had signed it.* A duplicate was therefore sent to him for signature. The terms of peace were :

1. That Sikukuni would, as a subject of the State, submit to the laws of the country ;
2. That he would pay two thousand head of cattle to the Government on account of war expenses ;
3. That he would recognise the boundary line as defined by the Government.†

But meanwhile Sikukuni had heard of the effect produced by the British Commissioner's presence in Pretoria. Rumours of annexation, or, in any case, of confederation, were in the air. He was not sure whether he would not soon have to become a British subject. Although, therefore, in order to keep on the safe side of things as they then were, he signed the terms of peace on February 15th, he protested against the first article which made him liable, as a subject of the South African Republic, to pay taxes, and requested the Transvaal Commissioner who visited him "to intercede" with President Burgers in regard to that clause.‡

Sikukuni's missionary then took the matter up on his behalf, appealing to Sir T. Shepstone to interfere, and enclosing a letter from Sikukuni in the following terms :§

* C. 1776, p. 91. † Ibid., p. 91. ‡ Ibid., p. 148. § Ibid., p. 142.

‘I beg you Chief come help me, the Boers are killing me, and I don’t know the reasons why they should be angry with me. Chief, I beg you come with Mijn Heer Merensky [the missionary].’

Sikukuni wrote this letter on the day following that on which he had signed the terms of peace; so although the statement that the Boers were killing him was figurative, the letter is important as showing that he had been thoroughly subdued, and that it is absurd to suppose that the British Commissioner “rescued” the Transvaal from its late antagonist.

Sir Theophilus, however, was not the man to miss such an opportunity for interference. If he could throw some doubt upon the validity of the peace, it would enable him to say, with at least an appearance of truth, that the Boers needed to be rescued. Consequently, he at once requested President Burgers to agree to the appointment of a Joint Commission to investigate the matter.* This the President declined, seeing that, after all, the country was still independent. But, to gratify the British representative, he appointed commissioners of his own to inquire into the matter, and allowed two of Sir Theophilus’s subordinates to accompany them. These English emissaries had a private interview with Sikukuni, who told them that “he wished to be like Moshesh.” “We reminded him,” they say in their Report, “that Moshesh was a British subject.”† No wonder, after this friendly hint, that he adhered to his protest against the first article of the terms of peace he had signed. The wonder is that he condescended to abide by the two other articles. He did so in order to leave himself a loop-hole in case the annexation were not consummated. He was a “wily old savage,” according to Mr. Haggard (the secretary of the British representatives), and, as such,

* The expedient of a Joint Commission of Inquiry did not originate, therefore with Lord Milner.

† C. 1776, p. 148.

he was not going to commit himself finally against his conquerors, the Boers, until he was certain that the British would usurp their place as his masters. But that he had been mastered he knew and amply acknowledged, while the British, after denying the fact when it suited them to do so, affirmed it, as we have seen, just as emphatically as soon as they had taken possession of the Boers' inheritance.

(C.)

That it took time for the Boers to compel Sikukuni to acknowledge his position as a subject of the State, was inevitable in the circumstances. Only during certain months of the year could military operations be carried on against him : and the Republic had no army of automata at its disposal, that could be left to rot in a fever district for the empty honour of "occupying the country"—with corpses. The result was that seven months passed from the commencement of the war until Sikukuni sued for peace : Sir Henry Barkly, in a despatch dated July 14, 1876, "reporting that the Transvaal Government has commenced war against Sikukuni"; Sikukuni suing for peace some days before February 7, 1877. This period could, at the most, be stretched to ten months, by counting from the end of April, 1876, when Sikukuni first became restive.

Whether this delay in bringing the war to an end was excusable or inexcusable, it was seized upon by the Imperial authorities as proof that the Republic was incompetent and that "the strong arm" of Great Britain would be obliged to interfere in order to uphold the honour and prestige of the white race in South Africa. Lord Carnarvon, as early as September 22, 1876, wrote to Sir H. Barkly—

'Conveying to him the views of Her Majesty's Government on the subject of the Transvaal war. *The prolongation of the war cannot be*

permitted, in view of the peril which it causes to the lives and property of British subjects. The safety and prosperity of the Republic would be best assured by *its union with the British Colonies*, and should the people of the Republic consider it advisable to invite Her Majesty's Government to undertake the Government of their territory the request could not properly or prudently be declined.*

And in a despatch of the same date Lord Carnarvon—

‘Informs him [Sir H. Barkly] that Sir T. Shepstone has been requested to return at once to South Africa. He will be appointed Special Commissioner to the Transvaal Republic and the Zulus, to act under and in concert with the High Commissioner. His powers will extend to acceptance of any territory which may be offered to Her Majesty, and the provisional conduct of affairs in such territory pending final decision.’ †

When the above despatches were written, the actual fighting had lasted barely three months;—five months reckoning from the time when Sikukuni began to give trouble. Nevertheless, its prolongation “cannot be permitted.”

Now, after the annexation, although Sikukuni, crushed by the Boers, at first accepted the new Government, he soon tired of British rule and became rebellious. According to an official report ‡ by Lieut.-General Thesiger (who afterward became Lord Chelmsford), it was during the four months following March, 1878, that Captain Clarke, Special Commissioner in charge of the operations, made an utterly unsuccessful attempt to bring Sikukuni to order. How unsuccessful this attempt was may be gauged by General Thesiger's delicate handling of the subject:

‘The results gained by the local forces had not been of a nature to impress the native mind with an idea of the strength of the British Government.’ §

* C. 1748, Table of Contents, p. 103.

† C. 2220, pp. 282, 283.

‡ Ibid., p. 104.

§ Ibid., p. 283.

By June, 1878, Sikukuni's people were robbing all the English farmers within reach, while, as the *South African Mail* of July 28th remarked, it was "a noticeable fact that the Boers and their cattle are undisturbed": the reason being that this "wily old savage" did not wish the Boers, whom he feared, to join the attack against him.

Immediately after the failure of this first attempt to reduce him to submission, a fully equipped force of 1,800 men under Colonel Rowlands assumed the task, and was actively at work from August until October, 1878. Such serious difficulties, both military and climatic, were encountered, that it was found impossible to reach Sikukuni's stronghold, and on October 6th the campaign was abandoned.*

In June and July of the next year, another attack was made, this time under the direction of Colonel Lanyon, but without decisive result; and it was not until the 28th of November, 1879, that Sikukuni was defeated finally. In the course of this campaign the large force of British regulars and natives under the command of General Wolseley and Colonel Baker Russell, suffered a loss of fifty white men killed and wounded, and about five hundred of the native allies.† General Wolseley was hailed as a conquering hero.

So, when the Boers, without a regular army, conquered Sikukuni, but allowed their war to be continued without decisive results for seven months, they were condemned as incompetent, as unworthy of independence, and were annexed.

When the British allowed their war with the same chief to be continued for twenty months, after two complete failures (nothing being heard on these occasions about the

* C. 2220, p. 354.

† C. 2505, p. 110.

prestige of the white race in South Africa), they proclaimed themselves pattern governors and as conquerors worthy of honour and of honours.

(D.)

Nor should it be overlooked that in General Wolseley's campaign, conducted regardless of expense, over five thousand Swazies had been employed to fight by the side of British troops;* and that it had been against the employment by the Boers of one-fifth of that number of the same tribe for the same purpose that Sir H. Barkly, as High Commissioner, had vigorously protested in a despatch to President Burgers, reported to Lord Carnarvon on October 9, 1876.†

Once more then, that which was wrong and almost criminal before the annexation, became right and proper as soon as the annexation had taken place.

The minor inconsistencies in the treatment of this matter by the British are almost too numerous to tabulate. We have seen, for instance, the High Commissioner protesting

* C. 2482, p. 471.

† C. 1748, p. 158.

In *The Promised Land*, by E.V.C., the author, an Englishman, who fought as a volunteer under General Wolseley throughout this campaign, describes how "the caves against the mountain above the town contained thousands of women and children [of Sikukuni's tribe], among whom the Swazies slew and slew, until, as they expressed it, their arms were tired of killing" (p. 214). And he mentions this without so much as a hint of disapproval, and apparently in ignorance of the fact that it had been denied officially, as a matter of form, that such outrages had been committed.

Generally speaking it is worthy of note, as was remarked in an address from the Cape Afrianders to Mr. Gladstone, dated March 8, 1880, in which they pleaded "the cause of the restoration of Transvaal independence," that: "It has been said that the Transvaal Boers cannot be trusted with the management of South African native tribes. In reply, we need only point out that the British Government have deemed it necessary to shed far more native blood during the three years of their extended authority than was shed in all the thirty years of Boer Government in the Transvaal" (C. 2695, p. 13).

against the employment of Swazi natives by the Republic, declaring that the prolongation of the war could not be permitted, and so forth. Yet, in the same Blue Book, and almost in the same breath, the Colonial Office, in a communication dated November 18, 1876, unhesitatingly "states that Her Majesty's Government have no authority or jurisdiction over the Transvaal Government." *

Then, at the very time that the High Commissioner and the Secretary of State were protesting against the prolongation of the war, on account "of the peril which it causes to the lives and property of British subjects," these officials, instead of helping the Republic with men † and money, were doing their utmost to prevent President Burgers from bringing the war to a successful conclusion, and were warning British subjects against assisting the Transvaal Government. For example :

'Governor Sir H. Barkly, August 16, 1876, "Forwards Proclamation issued by him as High Commissioner warning British subjects to abstain from assisting the Transvaal Government in its operations against the natives."

'Lieut.-Governor Sir H. Bulwer, August 29, 1876, "Reports issue of a notice prohibiting recruiting in Natal for the service of any foreign State."

'Governor Sir H. Barkly, October 30, 1876, "Reports his refusal to grant a permit for trans-shipment of war *matériel* [consigned to the South African Republic] to the Union steamship *Natal*, bound for Delagoa Bay." ' ‡

Is it not evident that if the motive inspiring Lord Carnarvon, and the Imperial authorities generally, had really been a desire to protect British subjects "in peril"; if they had really wished to help the Boers and to act towards them as friends—as Shepstone declared—it would have been the easiest thing imaginable, instead of inter-

* C. 1748, p. 175.

† Compare *supra*, p. 107.

‡ C. 1748, Table of Contents, pp. 91, 125, 185.

fering with the dispatch of arms and ammunition destined for the defence of the state, to have encouraged volunteers from the Colonies to join the Boer forces? Further than that, to have assisted the Republic, if necessary, with a temporary loan of money? By doing such things, at that time, they might have made life-long friends of the Boers, and might thus have spared South Africa many years of misery. Unfortunately, their motive was very different. They were determined to get possession of the country, and they used the revolt of Sikukuni simply as one among other pretexts for doing so.

At the very outbreak of hostilities, long before they had been "prolonged," and before British officials were sure whether they would have to pretend, as an excuse for annexation, that they were protecting the Boers against the natives, or, on the other hand, the natives against the Boers, the High Commissioner revealed his determination to interfere no matter what the outcome of the war might be. In his despatch to Lord Carnarvon of July 14, 1876, in which he announced "that the Transvaal Government has commenced war against Sikukuni," Sir H. Barkly "expresses the opinion that the aspect of affairs is alarming, and that *the moment is fast approaching when Her Majesty's Government will be compelled to intervene . . . in regard to the proceedings of the South African Republic.*" *

He was a typical High Commissioner of the variety that dreamt of an Anglo-African Empire, with himself as Viceroy, and of breaking the neck of Africanderdom regardless of the cost. All was grist that came to his mill. Whatever the Boers said or did or left undone or unsaid was represented by him as proof that they were unfit to govern their own country and that nothing but the presence of the British flag in Pretoria could save either them, or the British subjects who were fattening on their land, from final and utter

* C. 1748, Table of Contents, p. 63.

ruin. When events did not provide him with sufficient grist, he did not scruple to encourage their development. Just as the trouble with Sikukuni was due in the first place to the arming of the natives at Kimberley, and was then increased by the deliberately unfriendly and provocative attitude of the High Commissioner and of his subordinates, so, in the case of the Zulus, we shall see that whatever friction existed between them and the Boers—and the friction was far from being serious—was due entirely to the intrigues of Sir Theophilus Shepstone and of his associates in Natal.

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CHAPTER XIV

THE BOERS AND THE ZULUS

IT has been the misfortune of South Africa that, with one or two brilliant exceptions, those Englishmen who have undertaken to enlighten their fellow-countrymen in regard to its history have been either novelists, such as Mr. Rider Haggard and Sir Conan Doyle, or gentlemen whose previous experience of literature has been derived from the equally imaginative work of concocting gold-mining prospectuses for the beguilement of the British investor. It is to Mr. Haggard—to whose talent for invention, when exercised within its legitimate domain, every one would gladly render homage—that many of the misconceptions in regard to the annexation of 1877 are due. In particular must he be held responsible for the popular notion that, as he declared :

‘Humanly speaking, it is difficult to see what could have saved the greater part of the population of the Transvaal from sudden extinction [by the Zulus], if a kind Providence had not just then put it into the head of Lord Carnarvon to send out Sir T. Shepstone as Special Commissioner to their country.’*

The Boers, it has been suggested, had infringed in some way upon the rights of Cetywayo, the Zulu “King”; con-

* *Cetywayo*, &c., p. 22.

sequently, they were in danger of a blood-curdling massacre such as Mr. Haggard alone could imagine, and from this they were saved by Sir Theophilus, whose influence over the Zulus is supposed to have been so immense that as soon as he had annexed the Transvaal and had sent word to Cetywayo that he had done so, Cetywayo decided to spare the Boers and to return to the paths of peace!

Each of these suppositions is false: the Boers had not infringed upon the rights of the Zulus; there was not the slightest danger of the Boers meeting with a reverse at the hands of the Zulus, and Sir Theophilus had no influence with Cetywayo except when the latter wished to be "influenced" and could use Sir Theophilus for the furtherance of Zulu ends.

But suppose, for a moment, that Shepstone's influence over the Zulus had been as great as it was claimed to be. There then arises a question somewhat similar to that suggested in the case of Sikukuni: if Shepstone and his superiors had really been actuated by a desire "to rescue" the Boers, could he not have exerted his influence from Natal as easily as from Pretoria? To annex a country in order to protect it from an army over which you claim to have control, is, on the face of it, evidence that you either lack the control which you claim to possess, or that you have misrepresented your motive.

The facts, however, speak for themselves.

First, as to the alleged infringement by the Boers upon the rights of the Zulus—an allegation that serves to call attention to another remarkable change of front by a British official as soon as the Republic had been overthrown.

For some time before the annexation there had been differences between the Boers and the Zulus in regard to the boundary line between them. The British, particularly the British in Natal, had always taxed the Boers with aggression in this matter, and Sir Theophilus Shepstone, who for many

years had been Secretary for Native Affairs in Natal, had openly encouraged the Zulu claims. Nevertheless, after the annexation, in a despatch to Lord Carnarvon (dated January 2, 1878), Sir Theophilus, then Administrator of the Transvaal, declared that the Zulu claims were unfounded and that the Republic had been in the right!

'When I approached the question,' he wrote, 'I did so supposing that the rights of the Transvaal to land on the Zulu border had very slender foundation. I believed from the representations which had been systematically made by the Zulus to the Natal Government, on the subject of which I was fully aware from the position I held in Natal, that the beacons along the boundary line had been erected by the Republican Government in opposition to the wishes and in spite of the protests of the Zulu authorities. . . . The Republican Government never communicated the merits of their side of the case to the Government of Natal, as far as I know; they were, it would appear, content to have them to advance when the necessity for doing so should arise. I knew but the Zulu side, and acted according to my knowledge, which I supposed was complete.* . . . It was not for some weeks after [the 18th October, 1877] . . . that in conversation at Utrecht with some Dutch farmers, of whom Mr. Coenrad Meyer was one, during which they were bringing to my notice the danger I appeared to be in of surrendering the just rights of the Transvaal in the matter of the Zulu boundary, that Mr. Meyer asked me what weakness I had discovered in the case of the beacons line? I replied that the beacons had been built up by the Republican Government without the knowledge and certainly in spite of the protests of the Zulu authorities, so that it was an act of aggression and not based upon the consent of both parties. I then learned for the first time, what has since *been proved by evidence the most incontrovertible, overwhelming, and clear, that this boundary line had been formally and mutually agreed upon*, and had been formally ratified by the giving and receiving of tokens of thanks, and that the beacons had been built up in the presence of the President and members of the Executive Council of the Republic, in presence of Commissioners from both Panda and Cetywayo, and that the spot on which every beacon was

* How could it have been complete? He had made no effort to hear "the merits" of the Republican case, and, as the dispute was between the Transvaal and the Zulus, it was certainly not the duty of the Republic to volunteer information to a foreign Government.

to stand was indicated by the Zulu Commissioners themselves placing the first stone upon it.*

Still another "grievance," described as such under the Republic, but approved and perpetuated by British officials, thanks to a trifle of experience and to the different complexion which facts assumed when the Boers could no longer be clubbed with them!

This question of the boundary, then, was the only one at issue between the Republic and the Zulus in 1876. It never would have arisen if it had not been for the jealousy of the Imperialists in Natal, who, like the Boers, were the neighbours of the Zulus, but who seized every opportunity to incite these savages against the Republic. After the annexation, even Sir Bartle Frere, who succeeded Sir Henry Barkly as High Commissioner, and who was certainly no friend of the Boers, condemned what he described as "the Natal system of playing off Boer against Zulu," declaring also that:

'The fact is that while the Boer Republic was a rival and semi-hostile power, it was a Natal weakness rather to pet the Zulus as one might a tame wolf who only devoured one's neighbour's sheep.'

On another occasion (January 12, 1879), referring to the charge that Natal officials had supplied the Zulus with arms, he wrote:

* C. 2079, pp. 53, 54. And in a Memorandum, dated November 12, 1878 the Hon. Charles Brownlee, Resident Commissioner for Native Affairs in Cape Colony, called the attention of Sir Bartle Frere to the fact that "it is now discovered on the clearest and most incontrovertible proof, that a formal cession was made of this disputed land by Panda to the Transvaal Republic, and this cession is by no means an unreasonable or unlikely action, for Panda, remembering the kindness he had received from the Dutch when he was in exile in their midst, would not have hesitated to grant them a strip of land up to that time unoccupied by the Zulus" (C. 2222, p. 137). See also in C. 2242, pp. 51-77, a despatch from Sir T. Shepstone, dated December 1, 1877, with enclosures giving the evidence, which it is not necessary to review here, because, after the annexation, the question degenerated into a mere tribal dispute between cliques of British officials.

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‘There can be no doubt that Natal sympathy was strongly with the Zulus as against the Boers, and what is worse, is so still.’*

But Sir Bartle Frere either would not or could not realise that “the Natal system of playing off Boer against Zulu” was the system in which Sir Theophilus Shepstone had been trained, and which he used without scruple while intriguing to annex the Transvaal. It has been remarked already that Sir Theophilus, after his arrival in Natal in November, 1876, remained there until the end of December, instead of proceeding at once to the Transvaal. During these weeks communications passed between him and his agents in Zululand, and, as the evidence now to be given shows, he caused Cetywayo to be informed that the Boers were going to attack the Zulus, and that he, Sir Theophilus, as England’s Commissioner, was going to the Transvaal to try to prevent it. When he got to the Transvaal he reversed his story, and told the Boers that the Zulus were going to attack them, and that he had come there in the hope of arranging matters in such a way as to enable him to exert his supposed influence over the Zulus and thus save the Boers from this attack. In fact, as we shall see presently, he distinctly threatened the Boers that unless they would consent to the annexation he would “take his hands off” the Zulus and let them loose upon the country.

“The Zulu army never approached the Transvaal boundary until the Commissioner had crossed it:” that was the statement made by Messrs. Krüger and Joubert to Sir Michael Hicks Beach in 1878, and that statement has never been denied.†

Then, as evidence to show that the massing of the Zulu armies on the Transvaal border was the work of the Commissioner himself, and that he had engineered this move by pretending that the Boers were going to attack

* Martineau, pp. 102, 69, 76.

† C. 2128, p. 5.

the Zulus, there are the following significant entries in one of the contemporary Blue Books. First, there is a report forwarded to Sir H. Bulwer, Governor of Natal, on March 29, 1877, by Mr. Fynn, a Resident Magistrate on the border of Zululand, with a statement "that Cetywayo had received a message from Sir Theophilus Shepstone to the effect that the Dutch were obstinate and would persist in a right to the disputed territory." Consequently the Zulus had "mustered for war with the Transvaal Dutch."*

Next, through the same magistrate, there is another report, received on March 31, 1877, that:

'All the Zulus were summoned with weapons and with war shields, and he had heard that it was by the call of "Somtsen" (Sir Theophilus Shepstone) round towards the upper side of the Dutch.'†

Then, Sir H. Bulwer himself, in a despatch to Lord Carnarvon dated April 9, 1877, declares:

'I have since learned, from reliable sources of information, that *the cause of the mustering of the Zulu army was an apprehension on the King's part of an attack by the Boers*; and some messengers of this Government, who have this day returned from the Zulu country, report that the apprehension having passed away the army had again dispersed, and the men of the several regiments returned home.'‡

Before the Zulu armies dispersed, however, the Commissioner had made ample use of their presence. The facts came to light during the conference between Sir Bartle Frere and the Boer leaders in 1879. It was then that

* C. 1776, p. 135.

† Ibid., p. 150.

‡ Ibid., p. 150.
In spite of all this ventilation of South African history provoked by the war of 1899, in England the ignorance of facts remained so dense that a usually well-informed man, such as Professor Max Müller of Oxford, in a controversy with Professor Mommsen (April, 1900), actually excused the annexation of 1877 on the ground that "the Boers, under Burgers, had, on account of their cruelties to the blacks, *been attacked by the Zulus*, under Cetywayo" (*The Question of Right between England and the Transvaal*, p. 7).

Mr. Pretorius spoke of Shepstone's threat "to take his hands off" the Zulus unless the annexation were accepted, adding that a statement to that effect was to be found in the minutes of the Executive Council. Thereupon the following extract was handed in "from the Minutes kept of the conversation of his Excellency Sir Theophilus Shepstone in the Executive Council, February, 1877, containing literally the words of Sir Theophilus Shepstone":

'1. Cetywayo rules in parts of this country. (He expatiates on Cetywayo.) "We have restrained him, and he will do nothing as long as I am here; but has the State the power to keep that man in check if I withdraw my hand from him?"

'2. "I wish to have nothing to do with violence. Should it become necessary, then I will consider whether it is not my duty and my choice to return; it would be painful to me to use violence towards men whom I respect, and towards a people whose fathers I have known, hundreds upon hundreds, but I will then have to make room for the men of the sword."

'The members of the Executive Council are prepared to confirm by oath the literal accuracy of these words.*

Friends of Sir Theophilus undertook to deny that he had said such things, but he himself, writing to the Colonial Office in regard to what was recognised to be a serious charge, did not question the accuracy of the words attributed to him in the paragraph of the above numbered "2," ignoring that part of it entirely; while, referring to the statement contained in the first paragraph, he merely stated that "I pointed out as forcibly as I could the danger then hanging over the Transvaal from the hostility of native tribes, and especially from the Zulus; but I was not guilty of the folly of using threats."† It is clear, however, that if in his opinion his words did not amount to a "threat," no one else can have failed to regard them as a menace: and the one is said to be a synonym of the other.

* C. 2367, p. 100.

† C. 2482, p. 47.

If Cetywayo himself had threatened, unsupported by Great Britain's Special Commissioner, it would not have disturbed the Boers for a moment. They did not fear and had no reason to fear the Zulus; but they knew that at that time they were not in a position to fight Great Britain and the Zulus combined, and they knew that if the Zulus attacked them at the instigation of a British official, it would be equivalent to an attack by those two powers in alliance. They had not forgotten the history of their little Republic in Natal.

That they did not fear and could, indeed, have repulsed a Zulu onslaught easily, any one who knows the difference between the Boer and the Zulu method of fighting will admit. Mr. Haggard's statement—quoted at the beginning of this chapter—is imaginative. It is true that the Zulus were formidable in their own country, but they would have been impotent in the Transvaal. Once they had reached the open Highveld, a few hundred mounted burghers would have been a match for the whole Zulu army. The Zulu attack—infantry in close formation, unsupported by cavalry—would have been self-destructive. After the annexation, in a despatch to the Colonial Office dated August 12, 1879, Sir T. Shepstone admitted :

‘ Mr. Krüger [before the annexation] more than once said that he was perfectly easy in regard to their power to deal successfully with the Zulu or any other native tribe, or with all combined.’*

Neither the Boers nor the Zulus had forgotten that Dingaan's immense army, in spite of the advantage of fighting on its own ground, had been routed by a Boer Commando one tenth the size of that which could have been put into the field against Cetywayo.† And the Boers

* C. 2482, p. 47.

† The Lieut.-Governor of Natal, Sir Benjamin Pine, writing to Sir Harry Smith in 1851 (August 9th), remarked that, “ Your Excellency will, doubtless, have gathered from the tenor of a late despatch, that our management of the

thoroughly understood Zulu warfare : in 1879, shortly after British troops had met with terrible reverses at the hands of the Zulus at Isandhlwana and elsewhere, Sir Bartle Frere confessed as much and more to Mr. Krüger. During their interview on the 17th of April, 1879, Mr. Krüger said : " I just wish to remind your Excellency that I honestly gave the General the best advice with regard to the Zulus ; and I feel confident that had he followed it, matters would have taken a different course." To which Sir Bartle Frere replied :

' I am quite sure that Lord Chelmsford thinks so too, and if we had a few men such as Mr. Pretorius, Mr. Krüger, and others we should by this time have subdued the Zulus.'*

As final proof that the Boers, in 1877, had nothing to fear from the Zulus—except in so far as the Zulus then seemed likely to receive support from the Imperial authorities in addition to the support they had always received from Natal—may be set the following fact, brought to the notice of the Secretary of State by Messrs. Krüger and Joubert in their despatch of July 10, 1878 :

' Up to the time of annexation isolated border farms were occupied by our farmers without the least apprehension of danger, and but a few weeks before a small patrol of men had followed the Chief Umbelini into the heart of the Zulu country.'†

natives of this district hitherto has not been attended with much success, and that we owe their present pacific disposition to various accidental circumstances with which we have little or nothing to do, . . . especially their terror of the Boers ; the natives tremble at these warlike men. They have not forgotten the many defeats they have received at their hands—more especially that terrible Sunday morning when 360 Boers scattered an army of more than 20,000 Zulus with their great chief, Dingaan, at its head " (No. 1697 of 1854, p. 14).

* C. 2367, p. 147.

† C. 2128, p. 7.

It will be seen subsequently that in 1884 some two hundred Boers utterly routed an army of several thousand Zulus under Usibebu, in Zululand ; and that in January, 1886, Sir Henry Bulwer, Governor of Natal, assured the Secretary of State that the Boers then in Zululand—some six or seven hundred in all—could easily crush the Zulus under Cetywayo's successor, Dinizulu (C. 4913, pp. 14, 16).

Sir Theophilus Shepstone, however, was almost compelled by the terms of his commission to rescue the Boers from something or somebody, and the war with Sikukuni, although he made as much of it as he could, was by no means sufficient for his purpose. So he turned to the Zulus, whom he had in reserve, and, by dint of skilful manœuvring, used them so as to create what passed in England as an appearance of spontaneous and genuine danger. Having created the appearance, it was not difficult for him to remove it temporarily—the cost of his performance not calling for payment until later, when the appearance became a reality. At the moment, of course, there was no thought of the cost. He waived his creation aside with considerable *éclat*, parading a “letter,” which was not a letter, which he had received from Cetywayo, as evidence that his influence over the Zulus was supreme.

This communication from Cetywayo has been quoted constantly by those who have sought to justify the annexation, and who, in order to do so, have found themselves obliged to support the pretensions which Sir Theophilus at that time advanced.* The Commissioner had sent a native

* In a despatch to Lord Carnarvon, dated March 12, 1877, Shepstone declared that all the native tribes within the Transvaal would hail the introduction of British rule as a positive blessing, and that the British Government had paramount influence (he meant that he himself had this influence) over the most warlike tribes outside the Republic. Now Sikukuni was within the Transvaal, and how he behaved under British rule has been shown already. The Zulus were the most warlike tribe outside the Transvaal, and when their behaviour, after the Annexation, comes to be considered in the light of this claim to paramount influence over them, and in connection with the terms of Shepstone's Annexation Proclamation and of the extract, on p. 199, from the Minutes of the Executive Council of the Republic, it will not seem harsh to speak of the Commissioner's “pretensions.” Nor is this criticism original, for, in quite another connection, Colonel Durnford and Miss Colenso, in their *History of the Zulu War* (p. 29), draw the same inference. They remark that after the war with Langalibalele in Natal—a war waged under the auspices of Shepstone before he became Administrator of the Transvaal—the few miserable survivors were questioned in regard to their relations with the then Secretary for Native Affairs, and stated in reply that “they knew nothing of Mr. Shepstone, not even his name.” Yet his name, as the authors sarcastically add, “was always supposed to command the love and fear of natives throughout the length and breadth of the land.”

with a verbal message to Cetywayo, to the effect that Cetywayo must not attack the Transvaal as it had become British territory. That, in any case, was the Commissioner's version of his message. In reply, Cetywayo is supposed to have sent word as follows :

'I thank my Father Somtseu (Sir T. Shepstone's native name) for his message. I am glad that he has sent it because the Dutch have tired me out, and I intended to fight with them once, once only, and to drive them over the Vaal. Kabana [the name of the native who carried the Commissioner's message and who brought this reply], you see my "Impis" (armies) are gathered. It was to fight the Dutch I called them together. Now I will send them back to their homes.' *

This reply was not in writing. It was brought by word of mouth by the Commissioner's own messenger, to the Acting Resident Magistrate at Newcastle in Natal, whose name, as it happened, was Boast. This gentleman, an Imperialist of Natal, "translated" it and passed it on "in substance," as he said, to Shepstone. It will be seen, therefore, that there was plenty of opportunity for friendly editing before it reached the form in which it appears in the Blue Book.

Granting, even, for the sake of the argument, that the above message represented literally the words of Cetywayo, it is impossible to admit the inference which the apologists for the annexation draw, namely, that the message proves the immensity of Shepstone's influence over the Zulus. Cetywayo had been led to believe that the Boers were going to attack him. When he learned that they were not, he withdrew his armies, and did so with the bravado that is characteristic of his race. But he neither withdrew them through fear of, nor because of love for Shepstone. If that had been the case, Shepstone would most certainly not have had occasion to write as he did, after the annexation, to

* C. 1883, p. 19.

the Governor of Natal, in a despatch dated January 29, 1878:

'Ruin is staring the farmers [on the Zulu border] in the face, and their position is, for the time, worse under Her Majesty's Government than ever it was under that of the Republic.'*

Nor would he have had to admit to Lord Carnarvon, on January 2, 1878, that:

'Meanwhile the position of this Government is most embarrassing. Cetywayo has by acts and threats of aggression caused the abandonment of a tract of country more than 100 miles long by 30 miles broad, about ten times the extent of the territory hitherto supposed to be in dispute.'†

Then, in April, 1878, a memorial was addressed to him by the burghers of Utrecht, near the Zululand border:

'The undersigned burghers of the district Utrecht take the liberty to draw once more the attention of your Excellency to the following:—

'That trusting in your reply to their petition of the 2nd February last they had lived in the hope that something would have been done for their safety as borderers. . . . [Nothing having been done] we shall have famine and penury; many households are already quite impoverished, while your Excellency told us in your Proclamation and letter of 12th April, 1877, viz., "your property will be protected, and all the change you will feel will be in the direction of increased security and new-born prosperity." . . . And as we see the weakness of the strong power, we repeat our offer made in the petition of the 2nd February, viz., to supply us with ammunition and not to prevent us from seeking the help of our friends and countrymen, who might be disposed to assist us to enforce our rights, to restrain and punish our marauding enemies.'

To which Sir Theophilus, in reply, was only able "to state that he much regrets the distress which the conduct of the Zulus has brought upon many of the burghers of the district of Utrecht," and that he begs that the memorialists "will await patiently the issue of this vexatious question"! †

* C. 2079, p. 133.

† Ibid., p. 52.

‡ C. 2220, p. 29.

"It is only since the annexation that our farmers' homesteads have been burnt, and that they with their wives and children, have been compelled to take to the plains"—as Messrs. Krüger and Joubert pointed out in a despatch to the Secretary of State for the Colonies in July, 1878.*

There was no talk of influence now. Sir Theophilus had to deal with grim facts. He had played at inciting black men against white; he had sown the wind and was beginning to reap the whirlwind.

Sir Bartle Frere precipitated the storm, but the sowing of it had been done by Shepstone. In December, 1878, Frere sent his famous ultimatum to Cetywayo; on January 10, 1879, the British troops entered Zululand; on the 22nd, at Isandhlwana, they met with the most serious reverse they had ever experienced at the hands of natives in South Africa. It was a costly war, in men and in money; † in many respects it was a particularly tragic war, and, as the Governor of Natal afterwards avowed :

'The Zulu war was, in the main, an outcome of the annexation of the Transvaal in 1877.' ‡

* C. 2128, p. 7.

† Besides many hundreds of valuable lives, the Zulu War cost £4,922,141 (*Annual Register*, 1881, part ii. p. 63).

‡ In a despatch dated March 10, 1880, to the Secretary of State for the Colonies, in C. 2584, p. 196.

On the subject of the settlement after the war, the comments of English Colonials may serve to show how impossible it is for Downing Street, and the people in England generally, to understand Colonial feeling. Thus, the *Cape Times* of September 16, 1879, announced: "We are earnest in our confederation belief; but with Sir Garnet Wolseley and John Dunn's Zulu settlement, confederation would be the dream of a madman." According to the same authority, the John Dunn referred to, who had been given a paramount position in Zululand by General Wolseley, was "a white man who for twenty years or more has lived the Zulu life, wedded Zulu wives," and so forth, and who was therefore, from the point of view of the *Cape Times*, unspeakable (C. 2482, p. 274). Mr. Rider Haggard, who at that time spoke as a Colonial, was even more unsparing in his condemnation of the settlement. "I do not exaggerate when I say that it is an abomination and a disgrace to England," he declared (*Cetywayo*, etc., p. 42).

CHAPTER XV

THE FINANCIAL POSITION OF THE REPUBLIC

WHEN Sir Theophilus Shepstone arrived at Pretoria in January, 1877, he found that, among other special expenses, the war with Sikukuni had imposed considerable financial burdens upon the Republic; and he was not slow to take advantage of the fact. It should be remembered that, at that time, in spite of repeated protests, customs duties (very different from transit duties) were collected on all goods passing to the Transvaal and to the Orange Free State through Cape Colony or Natal, and that neither of these Colonies gave the Republics any share in the proceeds.* It was a most unfair arrangement,†

* C. 2128, *passim*. It will be remembered (p. 91 *supra*) that when the British Government wished to hand over the Orange River sovereignty to the inhabitants, the latter, realising the importance of this question, stipulated that they should receive "the share justly belonging to this country of the custom dues received at the ports of the Cape Colony, or Natal, or the cession of a port in either of these Colonies." This condition was evaded in the final agreement; but its formulation shows that the inhabitants feared from the first, and with reason, that they would be bled in this way by the British authorities.

† Lord Carnarvon showed that he realised perfectly, when it suited his policy to do so, how unfair such an arrangement was. After the Kimberley District had been taken from the Free State, it was governed directly from Downing Street as a separate province, known as Griqualand West. The arrangement proved embarrassing, and Lord Carnarvon became anxious to incorporate his province with Cape Colony. In a despatch to Mr. Molteno, Prime Minister at the Cape, he declared (1876) that unless Griqualand West were incorporated in this way, it would at least be necessary to make some provision by which "the payment to the province of the customs duties levied in ports of the Cape Colony upon goods consumed in the province" would be guaranteed. (Molteno, vol. ii. p. 96.)

and, by amending it (for Natal had not yet obtained responsible government), or, if that were impossible, by means of a small loan, Great Britain could have been of real service to the Transvaal Government. Assistance of that kind would have filled the Boers with gratitude; but it would not have bought their country: on the contrary, it would have removed a likely excuse for annexing it. Sir Theophilus knew that the political uncertainty created by his visit would inevitably react unfavourably upon the finances of the Republic, and that if he waited long enough, he would be able to adduce some evidence in support of that which he purposed to allege—and which he did ultimately allege—namely, “that the country is in a state of bankruptcy.” The allegation, even then, was not true, though it was no fault of the Commissioner’s that it was not.

At the time of the annexation the country was certainly in debt (as most countries are); and, in addition to this, the Government found it almost impossible to collect a special and very unpopular tax that had been imposed to meet the cost of the war with Sikukuni. But if, for no better reasons than these, the Republican administration could justly be condemned as incompetent and bankrupt, what must be said of the British administration which, from the time of the annexation until the beginning of the War for Independence in December, 1880, more than trebled the debt without leaving anything to show for it, and which had so little authority over the inhabitants that the majority of them at last refused to pay any taxes at all?

First, however, for an examination of the statement that, before the annexation, the country was in a state of bankruptcy.

The worst that could be alleged against the Republic by an official special-pleader when requested to report upon the subject was that “when the country was taken over by Sir T. Shepstone . . . current receipts scarcely provided

for current expenditure.”* But this use of the word “scarcely,” instead of proving bankruptcy, is evidence, from a hostile source, of solvency.

Lord Carnarvon, the annexor, speaking in the House of Lords on July 15, 1881, when no longer Secretary of State for the Colonies, declared that “just before the annexation they [the Transvaal Government] issued ‘Bluebacks,’ which were of the value of not quite 2s. in the pound.”† Fitzpatrick improves on this by saying that they “were selling at 1s.”‡ But Aylward, writing in 1878, pointed out that “there have been no such notes in circulation in the Transvaal for a very considerable time. They were all bought in by the State in 1874, and twenty shillings in the pound was paid for every one of them by the Transvaal Government.”§ And Aylward was right, as the records of the Republic show.||

In 1872 the revenue of the Republic was £40,988, against an expenditure of £35,714.¶ The revenue and the expenditure from 1874 until 1877 are given by Mr. W. C. Sargeaunt, C.M.G., in his official report to the Secretary of State for the Colonies, as follows: **

REVENUE.		EXPENDITURE.	
1874-1875	£58,553.	1874-1875	£61,784
1875-1876	64,582.	1875-1876	69,394
1876-1877	62,762.	1876-1877	64,504

* C. 2144, p. 277. In the year 1861, when Cape Colony was governed by British officials, Mr. Southey, the Colonial Secretary at the Cape, “announced that the treasury was empty, and that a number of unauthorised loans had been incurred to meet the excessive expenditure which there was no means of paying” (Molteno, vol. i. p. 79).

† Fitzpatrick, p. 24.

‡ Hansard, vol. cclxiii. p. 985.

§ Aylward, p. 278.

|| See *de Locale Wetten der Z. A. Republiek*, Law No. 3 of 1873 (p. 479), laying down regulations for the withdrawal of Government notes from circulation; and the Volksraad Resolution of November 13, 1874, Art. 244, p. 602, approving the financial measures adopted by the Government to give effect to the foregoing.

¶ Norris-Newman, p. 65.

** C. 2144, pp. 294, 295, omitting the shillings and pence.

The Expenditure includes during each period a considerable payment on account of "Sinking Fund": 1874-5, a payment of £3,400; 1875-6, also £3,400; 1876-7, a sum of £1,050. "Interest" during the same periods amounted to £4,014; £3,821; £3,314 respectively.*

Taking an average of these three years—and they were years of unusually heavy expenditure—we find that the excess over revenue amounted to very little more than 5 per cent.

Now, by way of comparison, it may be well to point out that in Great Britain, during the three years 1900 to 1903—which also were years of unusually heavy expenditure—the excess of expenditure over revenue amounted to nearly 33 per cent., and that during the year 1900-1901 there was no outlay on account of Sinking Fund (*The Statesman's Year Book*).

Comparatively new countries, such as Rhodesia and Queensland, in ordinary financial years, show a much higher percentage of excess expenditure than the 5 per cent. of the little Republic. Thus, during the two years 1901 to 1903 (*The Statesman's Year Book* not giving the figures for 1900-1901), Rhodesia showed an excess of expenditure over revenue of nearly 61 *per cent.*, while the revenue of Queensland, during the three years 1900-1903, fell short of expenditure by over 9 per cent.

The fact that the Republic, at that particular time, was unable to borrow money, proves nothing. Such a condition of things is entirely compatible with solvency, just as actual insolvency, as we see, may lead to reckless borrowing. Further, in the case of the Transvaal, the borrowing power was cut off artificially, at the instigation of the British authorities. Mr. G. P. Moodie, who had been a member of the Volksraad, said in his pamphlet on *The Annexation of the Transvaal* (1881) that—

* C. 2144, pp. 294, 295.

'Another important factor is to be found in the action taken by the Bank—the only one then in the Transvaal. This institution had made advances for the war against Sikukuni, and, under promise of the debt being transferred to the Imperial account, demanded immediate repayment, and put a stop to all further credit. This enabled the statement to be made that the Republican exchequer was empty, and gave a foundation for the often-told anecdote of the twelve-and-sixpenny balance which the Imperial treasurer is said to have inherited.'

But now for the figures after the annexation, keeping in mind the figures and the small percentage of deficiency during the three preceding years.

No sooner had the annexation been proclaimed than Sir T. Shepstone's financial adviser estimated that the ordinary revenue for the year 1878 would be £89,750, as against an ordinary expenditure of £87,950, the above revenue not including a sum of £50,000 which it was expected to raise by taxing the Kaffirs.* In the following table the actual and the estimated revenue and expenditure are given for the years 1878 and 1879 respectively:

REVENUE.			EXPENDITURE.		
1878	Estimated	£89,750	Estimated	£87,950†	} 1878
	"	Kaffir Tax 50,000	Actual	158,926‡	
	"	£139,750†			
	Actual	79,962‡			
1879	Estimated	124,480§	Estimated	?	} 1879
	Actual	93,003§	Actual	£141,738	

Calculation shows that the percentage of deficiency under British administration during the year 1878, amounted to nearly 99 per cent.; in 1879, to over 52 per cent.—as against 5 per cent. under the Republic.

* C. 2144, p. 280.

† Ibid., p. 280.

‡ C. 2676, p. 17, taking the same items as those on which the Finance Commissioner based his figures for 1879 as below.

§ C. 2584, p. 156.

|| In the Report of the Colonial Treasurer for 1880, the actual expenditure for the year 1879 is given as £177,595. (C. 2866, p. 5.)

Trying to console the Secretary of State for these tell-tale figures, the British Administrator pointed to the increase in the revenue; but he ignored the fact that in ordinary times the revenue of the Republic had increased constantly and rapidly, rising from £40,988 in 1872 to £64,582 in 1875.

Trying also to discredit as much as possible the business capacity of the Republican officials, Shepstone's financial assistant had loudly condemned the carelessness of their book-keeping. Yet, in February, 1880, Shepstone's successor, Sir Owen Lanyon, declared that "the books were more than a year in arrear when I assumed the government";* while in October, 1880, complaining in turn of the negligence displayed during Sir Owen Lanyon's administration, the Treasury officials in London wrote that the Auditor-General "has not yet been furnished with the annual account and statement of assets and liabilities of the Transvaal for 1879, nor have any accounts relating to 1880 been received in this department"!†

Then, while no one questioned the honesty of President Burgers' administration, the most severe strictures have been passed, by English writers, upon the financial eccentricities of Sir Theophilus Shepstone. Thus:

'The corruption of our rule, again, as revealed in the correspondence between Lord Welby, the present (1899) Chairman of the County Council, on behalf of the Treasury and the Colonial Secretary, inspires nothing but contempt. Said Lord Welby, "Sir Theophilus Shepstone's account is of a most unsatisfactory character; vouchers and details are produced for about one-third only of the payments, and the small portion that is capable of thorough examination, contains evidence that the unvouched residue includes several duplicate charges. He has disregarded the elementary rules which ordinarily govern men in their dealings with money other than their own." Mr. Leonard Courtney, then Secretary to the Treasury, drily wrote, "My Lords of the Treasury feel sure that the Secretary of State will not wish to charge the Consolidated

* C. 2676, p. 15.

† C. 2866, p. 1.

Fund with the cost of Sir Theophilus Shepstone's hat, Mr. H. C. Shepstone's hair brushes, Mr. Finney's cricket bat, or Mr. Thirsk's fishing-rod." '*

The debt of the Republic at the time of the annexation was estimated variously by British officials according to the object they were trying to serve. By one "financial adviser," the permanent debt was put at £156,833.† By Sir Hercules Robinson it was put at £164,000.‡ The total liabilities of the Republic, according to the estimate of the Boer leaders, amounted to £246,037, but, adding some extra items, to £255,000; § according to one British expert they amounted to £330,000,|| but according to the Royal Commission of 1881, they amounted to £301,727.¶ In a despatch from the Colonial Office to the Treasury, dated June 8, 1877, it had been stated that the liabilities of the Republic amounted to £217,158, but that a further sum of £25,000 would have to be added on account of "the expense of moving troops from Newcastle, in Natal, up to Pretoria, the capital of the Transvaal," in support of Shepstone, at the time of the annexation! **

All agreed, however, that the result of three years of British administration was to increase the debt to £1,046,000.†† In other words, taking the highest of the estimates of the debt at the time of the annexation, *it had been more than trebled in three years*—and there was nothing to show for it. Nor did this estimate of £1,046,000 include the cost of the unsuccessful expedition against Sikukuni, "the amount of which is not distinguished in the Army accounts," but which must have been considerable, as the successful—and,

* *The War and its Causes*, by G. P. Gooch, p. 9.

† C. 2144, p. 279.

§ C. 3219, pp. 114, 115.

¶ C. 3114, p. 31.

†† C. 3219, p. 114, and C. 3114, p. 32.

‡ C. 3114, p. 248.

|| C. 3219, p. 115.

** C. 1814, p. 6.

as the Boers declared, the unnecessary—expedition, cost £383,000.*

Even Mr. Gurdon, C.B., the Assistant Commissioner for Finance attached to the Royal Commission of 1881, though naturally trying to make out the best case possible for British administration, felt constrained to declare, in his "Memorandum on the debt of the Transvaal Province": †

'It will thus be seen that the oft-repeated statement that the British Government found half-a-crown in the Treasury of the Transvaal, and left the finances in a flourishing condition, is not strictly true; and it is much to be regretted that such a statement should have been made in terms needlessly offensive to the Transvaal burghers by those whose official position should have enabled them to obtain correct information with regard to the finances of the country. The Transvaal, at the time of the annexation, was like almost every country in the world, in debt; but although the condition of the country has been in many ways improved, the debt has not been reduced during British Administration.'

Indeed, by no means reduced! It had been so wantonly and extravagantly increased that the Royal Commission found it impossible to ask the Republicans, in 1881, to assume the responsibility for such a debt. It was therefore entered as £425,893, but "to the British Government would also be due any sum advanced by it to loyalists for compensation for war losses as assessed by the sub-commission appointed for that purpose." ‡ This further liability increased the debt ultimately by £137,000. Consequently, at the lowest estimate, the Republic was required to pay £232,893 for the privilege of having been annexed.

No wonder that the Boers objected to such a charge, and that, by dint of continual representations on the subject, its absurdity at last dawned upon the British Government.

* C. 3114, pp. 32, 45. Of course this estimate of £1,046,000 does not include the costs of either belligerent during the War for Independence.

† C. 3114, p. 45.

‡ Ibid., p. 33.

In 1884, therefore, a considerable reduction was made, in spite of which the Republic was left responsible for a sum of about £131,000 over and above the original debt, as the cost of British interference.*

* C. 3947, p. 46.

CHAPTER XVI

THE ATTITUDE AND BEHAVIOUR OF THE BOERS

THE last and the most important of the pretexts invented by the Special Commissioner to justify the annexation, was the alleged willingness of the burghers to accept British rule. That clause of his Commission to which attention has already been called—which required that, before annexing the Transvaal, he should satisfy *himself* that “the inhabitants thereof, or a sufficient number of them, or the Legislature thereof, desire to become Our subjects”—compelled him to create an appearance of assent.

A sort of belief that the Queen did not desire unwilling subjects still lingered in England, at that time. So, as it would have been injudicious to say frankly that he was going to overthrow the Republic and seize the country because the British Government wished to add such valuable territory to the Empire, the Commissioner strove to make it appear, as stated already, first, that annexation was necessary for the sake of the country and its inhabitants and of South Africa generally, and, secondly, that the majority of the Boers recognised the necessity and welcomed the representative of Great Britain as their saviour. All that he did and said in connection with Sikukuni and the Zulus; his misrepresentation of the facts concerning the finances of the Republic; the extraordinary inconsistency of the attitude which he and Sir H. Barkly adopted

on the subject of the Keate Award and in regard to other matters dealt with in preceding sections, was prompted by this dual motive—to make it appear in England that the annexation was necessary, and to force the Boers to consent to it.

The first of these ends he attained for the time being. The second he failed to attain, except in so far as sincere verbal protest unaccompanied by physical resistance could be described by him as “consent”: and as “consent,” needless to say, he did describe it, making it his business to represent that the protest against his action was insincere, and that the “passive resistance” of the Boers, as they afterward defined their attitude, was proof of really cordial approval.

The Commissioner’s task in thus misrepresenting the sentiments of the burghers was not an easy one. At his first interview with the Executive Council of the Republic, on January 26, 1877, he had been given clearly to understand by Mr. Krüger that any tampering with the independence of the country, as acknowledged in the Sand River Convention, would meet at least with vigorous protest.* It was then that he had retired into silence and darkness as it were, anticipating with reason that the uncertainty created by his threatening presence would embarrass and weaken the Government, and that he, meanwhile, could intrigue at leisure for the furtherance of his aims. Above all, he it remembered, he wished to avoid the appearance of coercion.

The Volksraad, on February 22, 1877, beginning to realise that it was for annexation that the Commissioner was scheming, passed a resolution charging the Government to oppose such a measure to the utmost.† This convinced Sir Theophilus that it was hopeless to expect the Boers to sign their own death-warrant, and that, even if he could persuade or bully them to the point of non-resistance, he would be

* See *supra*, p. 172.

† C. 2144, p. 128.

obliged to face a protest, which, by some means or other, he would have to reconcile with the terms of his Commission.

With this in view, he began to prepare his ground. The method he adopted was remarkable: he, the would-be terrorist, declared that those who opposed him were the victims of an opposition terrorism!

'I am unable to say,' he wrote in a despatch to Lord Carnarvon, dated March 6, 1877, 'what the ultimate decision of that body [the Volksraad] may be; a system of terrorism represses every independent utterance, even in the council chamber, and I must expect that it will be unfavourable. . . . Even the President, whose brilliant speech to the Volksraad, delivered yesterday, I append, is obliged to guard himself against taking too definite and pronounced a course in the direction of what he sees is inevitable.'*

As a matter of fact, the speeches delivered by President Burgers at this time, while they contained criticism of his political opponents, with impassioned appeals to his people to rally to the support of the Executive, and appeals to the Volksraad to adopt the reforms in the Constitution which he personally advocated, were primarily a series of arguments in favour of independence and against the abandonment of the State to a foreign power.† In his speech of March 5, 1877, for instance, referred to by Shepstone, he said:

'How was it with this State? When they planted a beacon anywhere, Barkly [the High Commissioner] threw it down; when they made a line, the British ignored it; they were governed from England now without a Volksraad or Legislature. *Must they then now kiss the foot that trod upon them?* He said, No.'‡

And the President maintained this attitude to the end. Shepstone was compelled to admit as much in his public despatches, which he knew the President would see. In

* C. 1776, p. 109.

† Ibid., pp. 110, 117-123.

‡ Ibid., p. 122.

his despatch of March 6, 1877, to Lord Carnarvon, he says :

‘I had frequent conversations with Mr. Burgers as to the condition of the Government and country, all of which were remarkable for his outspoken frankness, and for the earnest desire which he showed to maintain, as far as possible, the independence of the State.’*

It was only in private letters that the Commissioner, seeking to mitigate the effect of the protest he foresaw, dared to slander the President by claiming him as a secret ally: “I tell you *privately*,” he wrote to the permanent Under-Secretary at the Colonial Office, “that the President has from the first fully acquiesced in the necessity for the change.”†

Having thus disposed of any opposition that might be offered by the President—privately by claiming him as a secret ally, publicly by declaring that he was terrorised—Sir Theophilus proceeded to forestall criticism in regard to the attitude of the burghers as a whole. He became prophetic. In a despatch to Lord Carnarvon, dated from Pretoria, March 12, 1877, he said :

‘With regard to the difficulties of ruling the country when that change [annexation] takes place . . . there would be a section, more or less important, of malcontents among the white inhabitants of the State,

* C. 1776, p. 107.

† Martineau, p. 19. This private letter was forwarded under “Flying Seal” through Sir Bartle Frere, who had succeeded Sir H. Barkly as Governor of Cape Colony and High Commissioner. A few days afterward, Sir Bartle Frere, anxious to do a little slaughter on his own account, conceived the notion of a Pan-Afrikaner Conspiracy (he had been just seven weeks in South Africa). So he wrote to Lord Carnarvon of President Burgers’ “dreams of a great anti-English South Africa” (Martineau, p. 25). Needless to say that this statement was as imaginative as Shepstone’s; but, apart from that, would it have been possible to conceive of two more contradictory propositions than that of a man dreaming of a great anti-English South Africa, and, at the same time, voluntarily acquiescing in the annexation of the Transvaal by the English? Unless, indeed, the High Commissioner credited the President with foresight which, in 1877, would have been positively supernatural!

but as their objection to the change is founded more or less upon sentiment or prejudice, fed by misapprehension of the intentions and feelings of Her Majesty's Government, or by disbelief in them, I am of opinion that a little experience of the effects of these benevolent intentions, aided by conciliatory treatment, will overcome their prejudices and reconcile them to what cannot be avoided.*

Official optimism such as that has quite a modern ring to it. The Commissioner's despatch, nevertheless, was written more than a quarter of a century ago.

While preparing for opposition, Sir Theophilus was not neglectful of support. We have seen that there was a small English annexation party at the goldfields. Then, in nearly every village in the Transvaal, there were a few, generally two or three, English shopkeepers, ready on all occasions to speak on behalf of "the inhabitants and district," prefacing the modest claim with the statement, in more than one instance, that they represented "the wealth and intelligence" or the "progress" of the country.† This sprinkling of Englishmen of course welcomed the Commissioner vociferously and with numerous addresses; and at first, before they had grasped the real purport of his visit, the Boers also had greeted him "with the respect due to the Queen's representative." Accepting his statement that he had come as a friend, and thinking he would be able to help them settle the boundary dispute with the Zulus and similar matters, some of the burghers had addressed memorials to their Government advising that every effort should be made to secure the co-operation of the British representative. Sir Theophilus duly reported to Lord Carnarvon the receipt of these memorials, and of the other memorials, couched

* C. 1776, pp. 127, 128.

† C. 2454, p. 56; C. 2676, p. 49. It is a fact of some psychological interest that whenever an English political party is formed in South Africa, it assumes the title of *Progressive*, quite regardless of what its policy may be.

in very different terms, presented to him by the English annexationists.

Fitzpatrick goes so far as to assure his readers that "three thousand out of eight thousand voters actually signed petitions in favour of annexation." * But this, of course, was not the case. Even Sir Theophilus, anxious as he was to prove what Fitzpatrick afterwards asserted, did not claim that any one, before the event, signed a petition "in favour of annexation," and could only assure Lord Carnarvon rather vaguely (March 6, 1877) that:

' Since my arrival in the Transvaal numerous addresses have been sent to me describing the wretched pass which matters social and political had reached, and begging for the intervention, in some form or other, of Her Majesty's Government [these were from the Annexationists]. Other addresses and memorials have been forwarded to the Government of the Republic, setting forth the same difficulties and dangers, and praying the Government to treat with me to [as?] Her Majesty's Special Commissioner for their amelioration or removal, the signatures to these documents, over 2,500, out of a total male population of about 8,000, represent every class and interest and *nationality* in the State.' †

Strange means, it was said by the Boers, were used to swell the total of these signatures; and that that must have been the fact is evident from the result of a vote taken soon *after* the annexation, when, as will be shown, only 587 voted in approval of that step, as against 6,591 who declared themselves to be averse to it. Instead, therefore, of "three thousand out of eight thousand *voters* actually" signing "petitions in favour of annexation," the real number of voters who favoured that course may be taken at less than six hundred.

By the beginning of April, 1877, the Commissioner was prepared for action. The reinforcements, for which he had

* Fitzpatrick, p. 17.

† C. 1776, p. 109.

been waiting, had arrived at Newcastle, near the border of the Transvaal; and the Zulus also, led by him to believe that they were in danger of an attack by the Boers,* were still massed on the border. Then, he had created a condition of such anxious uncertainty within the country that the Government was almost crippled, and, in his despatches to Lord Carnarvon, he had anticipated the protests of the Boers by imputations of bad faith and of terrorism. So, on April 9, 1877, he informed the Executive Council of the Republic that he intended at once to annex the country in the name of the Queen. On the 12th he did so, issuing a long Proclamation and an Address, which occupy some seven pages of the Blue Book.† In his Proclamation the Commissioner declares :

‘That commerce is well-nigh destroyed. That the country is in a state of bankruptcy. That the white inhabitants, discontented with their condition, are divided into factions. That the Government has fallen into helpless paralysis from causes which it has been and is unable to control or counteract.’

Asserting that “after more or less of irritating contact with aboriginal tribes to the north, there commenced about the year 1867 gradual abandonment to the natives in that direction of territory settled by burghers of this State in

* See *supra*, pp. 197, 198.

† C. 1776, pp. 157-163. Sir Theophilus began his Proclamation by quoting at length from the Sand River Convention; but he added words which perverted the meaning and altered the character of that instrument, in order to convey the impression that Great Britain had been concerned in the internal affairs of the Boers. Thus, in the treaty itself, the Assistant Commissioners had declared that “the warmest wish of the British Government is to promote peace, free trade, and friendly intercourse *with the emigrant farmers*” (see *supra*, p. 84). Sir Theophilus converted this into : “to promote peace, free trade, and friendly intercourse’ *with and among the inhabitants of the Transvaal.*”

From the standpoint of international law the change is so significant that Professor de Louter, in an article on *L'Annexion du Transvaal* in the *Revue de Droit International*, No. 2 of 1881, condemns Shepstone's lack of good faith in this respect almost as severely as he condemns the act of annexation itself.

well-built towns and villages, and on granted farms,"* he proceeds to estimate the number of natives "within and beyond [!] its boundaries" at one and a half millions, and announces that what he considered the possible "ravaging of an adjoining friendly State by warlike savage tribes cannot for a moment be contemplated by Her Majesty's Government without the most earnest and painful solicitude." †

Finally, he declares "that neither this country nor the British Colonies in South Africa can be saved from the most calamitous circumstances except by the extension over this State of Her Majesty's authority and protection," for which reason :

'Now, therefore, I do, in virtue of the power and authority conferred upon me by Her Majesty's Royal Commission, dated at Balmoral the fifth day of October, 1876, and published herewith, and in accordance with instructions conveyed to me thereby *and otherwise*,‡ proclaim and make

* This he mentioned as an evidence of decay and of subordination to the natives, but he must have known what every Boer knew, namely, that the abandonment had been due in most cases (a) to the discovery that these northern districts were full of fever, while the Highveld, which the voortrekkers had not at first appreciated, but to which they ultimately retired, was healthy; (b) to the discovery that the growing of wheat, which had been the chief industry in these northern districts, did not pay, owing to the cost of transportation, while sheep-farming, to which the Highveld proved to be particularly well adapted, was remunerative.

† The pain must surely have been excruciating in 1854, when the Boers of the Orange River were abandoned to the mercy of the Basuto.

‡ This mysterious allusion to instructions conveyed in his commission "*and otherwise*"—implying, as it does, that he had received secret orders also—is painfully reminiscent of the action of the same (Lord Beaconsfield's) administration when a British agent received a secret, but subsequently notorious mandate "to find, or, if need be, to create, an opportunity" for interference in Afghanistan (see *Hansard*, vol. cclxiii. p. 1788, debate of July 25, 1881). The terms of Mr. Joseph Chamberlain's condemnation, in 1881, of this proceeding, afford a strange instance, in view of subsequent events, of the irony of fate.

Speaking at Birmingham on June 7th, he said: "I do not think I need detain you at any length with regard to the action of the Government in Afghanistan. The account of our proceedings in that country constitutes the darkest chapter in the history of our Indian Empire. It is a chapter which will tell future generations how we entered upon a course of wanton aggression in order to obtain a scientific frontier. *It will tell how British statesmen were instructed to create a pretext for the invasion of a free and friendly State; but I thank God that that chapter, at all events, has been closed, and I hope that*

known that from and after the publication hereof the territory heretofore known as the South African Republic . . . shall be and shall be taken to be British Territory.'

He then threatens all who "shall venture opposition, armed or otherwise, to Her Majesty's authority hereby proclaimed, or who shall by seditious and inflammatory language, or exhortations, or otherwise, incite or encourage others to offer such opposition," with "the severe penalties which the law in such cases ordains."

But Sir Theophilus promises :

'That the Transvaal will remain a separate government, with its own laws and legislature, and that it is the wish of Her most gracious Majesty, that it shall enjoy the fullest legislative privileges compatible with the circumstances of the country and the intelligence of its people. That arrangements will be made by which the Dutch language will practically be as much the official language as the English ; all laws, proclamations, and Government notices will be published in the Dutch language ; in the Legislative Assembly members may as they do now use either language ; and in the courts of law the same may be done at the option of suitors to a cause. The laws now in force in the State will be retained until altered by competent legislative authority.'

In his Address, which he issues, not as Special Commissioner, but "as a friend,"* and which consists for the most part of misleading extracts from President Burgers' speeches, he says :

'As soon as it may be convenient some of Her Majesty's troops will enter this country. They will not come to coerce you [What meaning, then, had the threats in the Proclamation?], but to show those by

it may never be continued. But here, also, I ask you in passing to bear in mind that we learn from the action and from the speeches of the Conservative Opposition that if they had remained in power they would have continued in the same baneful course—they would have maintained the occupation of Candahar in spite of its injustice, in spite of the expense and the responsibility—and they would have done this, though it was certain to have involved us in almost permanent hostility with the Afghan people" (*The Right Hon. J. Chamberlain's Speeches* ; Authorised Edition, p. 16).

* C. 1776, p. 160.

whom you are surrounded that with the change in the form of ruling the country has also come a great and necessary accession of strength to enable Her Majesty's Government to discharge the obligations which it has undertaken.' *

For the rest, "your property will be protected, and all the change you will feel will be in the direction of increased security and new-born prosperity." †

What has been said in previous sections makes it unnecessary at this point to criticise the mis-statements of fact contained in the Commissioner's Proclamation, and the fate of his promises and prophecies, which have not already been dealt with, will appear later. What now concerns us is the attitude and conduct of the Boers in face of his action.

We have seen that on the 9th of April, 1877, Sir T. Shepstone had informed the Executive Council of the South African Republic that he intended at once to annex the country in the name of the Queen, and that, three days later, he had actually done so by proclamation. On the 11th, the following protests were issued by the Executive Council and by President Burgers respectively : ‡

'Resolution of the Executive Council: On the order: Despatch from Her Britannic Majesty's Special Commissioner, dated the 9th of April, 1877, giving notice that his Excellency has decided to proclaim, without delay, British authority over the South African Republic.

'That whereas Her Britannic Majesty's Government by the Convention of Sand River, 1852, has solemnly pledged the independence of the people to the north of the Vaal River, and that,—

'Whereas the Government of the South African Republic is not aware of ever having given any reason for a hostile act on the part of Her Majesty's Government, nor any ground for [such] an act of violence; that,—

* C. 1776, p. 163.

† See *supra*, p. 204.

‡ C. 1883, pp. 1. 2. These are the translations supplied by the British authorities.

‘Whereas this Government has ever shown its readiness, and is still prepared to do all which in justice and equity may be demanded, and also to remove all causes of dissatisfaction that may exist.

‘Whereas also this Government has repeatedly expressed its entire willingness to enter into such treaties or agreements with Her Majesty’s Government as may be considered necessary for the general protection of the whole* population of South Africa, and is prepared punctually to execute such agreements; and whereas according to public statements of Her Majesty’s Secretary of State for the Colonies, Lord Carnarvon, there exists no desire on the part of the British Government to force the people of the South African Republic, against their wish, under the authority of the British Government;

‘Whereas the people by memorials, or otherwise, have by a large majority plainly stated to be averse to it; and whereas this Government is aware that it is not in a condition to maintain the right and independence of the people with the sword against the superior powers of Great Britain, and, moreover, has no desire to take any steps by which the white inhabitants of South Africa would be divided in the face of the mutual enemy [against each other], or might come in hostile contact with each other, to the great danger of the entire Christian population of South Africa, without having first employed all means to secure, in a peaceful way and by friendly mediation, the rights of the people.

‘Therefore the Government protests most strongly against this act of Her Majesty’s Special Commissioner. It is also further resolved to send, without delay, a Commission of delegates to Europe and America, with full power and instructions to add to their number a third person if required, in order to endeavour, in the first place, to lay before Her Majesty’s Government the desire [interests] and wishes of the people; and in case this might not have the desired effect, which this Government would deeply regret and cannot as yet believe, then to try and to call in the friendly assistance and intercession of other powers, and particularly of those who have acknowledged the independence of this State.

‘As members of this Commission are appointed the Honourable[s] the Attorney-General, Dr. E. J. P. Jorissen, and S. J. P. Krüger, Vice-President of the South African Republic.’

‘Whereas I, Thomas François Burgers, President of the South African Republic, have received a letter dated the 9th instant from Her Britannic Majesty’s Special Commissioner, Sir T. Shepstone, informing me that his Excellency has determined in the name of Her Majesty’s Government to bring the South African Republic under the jurisdiction of the

* This word ought to be “white,” the original Dutch word being *blank*.

British Crown by annexation ; and whereas I am not strong enough to draw the sword for the successful defence of the independence of this State against a superior power like that of England ; and, moreover, with a view to the welfare of all South Africa, I am altogether disinclined to bring its white inhabitants into a disastrous complication of warfare by any hostile proceeding on my part before having first of all tried every means to secure the rights of the people in a peaceable manner ; therefore, in the name and by authority of the Government and the people of the South African Republic, I hereby make my solemn protest against the intended annexation.

‘ Done under my hand and under the State Seal.

‘ (Signed) THOS. BURGERS,

‘ President of the South African Republic.’

On the following day the President issued this further Proclamation : *

‘ Whereas Her British Majesty’s Special Commissioner, Sir Theophilus Shepstone, in spite of my solemn protest presented yesterday against his Excellency’s intention, communicated to me by letter, dated 9th April, has thought fit to carry out that intention, and has this day proclaimed the authority of Her British Majesty’s Government over the South African Republic :

‘ And whereas the Government has in the first place [provisionally] resolved to submit under protest, in order meanwhile to send a mission, in the persons of the Honourable S. J. P. Krüger and E. P. Jorissen, to Europe and America, in order thus to defend the rights of the people, and to endeavour in a peaceable way to settle the matter :

‘ So it is that I, Thomas François Burgers, State President of the South African Republic, by this, in the name and by the advice of the Executive Council, command all officials, burghers, and inhabitants to refrain from any word or deed of violence whereby the mission may be made fruitless. And I exhort all burghers and inhabitants to help, maintain, and support the resolutions of the Government for the preservation of order and the prevention of bloodshed.

‘ (Signed) THOS. BURGERS,

‘ State President.’

‘ Government Office, Pretoria,

‘ April 12th, 1877.’

In view of such protests as the foregoing, it may tax the

* C. 1776, p. 156.

faith of some English readers to believe that in 1881, in a "Proclamation to Natives" issued on behalf of the Queen by General Sir Evelyn Wood, he declared that the Transvaal had been taken over by Sir T. Shepstone in 1877 "at the earnest request of the representatives of the Boer population"!* And yet that is the version that has passed into English history, *The Statesman's Year Book*, which appears to be considered as the semi-official register of Imperial facts, gravely asserting that "... in accordance with representations and petitions from the Boers, the territory was annexed by the British Government."†

Now arises the question why the Boers did not oppose the Commissioner, or the troops that he called to his support, by force of arms. It is a question that a moment's consideration will answer. As a nation the Boers were young and struggling; they had lost confidence in their chief executive officer and had not yet had an opportunity to elect a substitute; they were threatened by the Commissioner with a Zulu invasion backed by British troops; above all, they had well-nigh exhausted their stock of ammunition in the war with Sikukuni, and, with Great Britain as their antagonist, it would have been impossible to obtain a fresh supply.‡ Realising, therefore, that resistance was hopeless, and clinging, as a drowning man clings to a straw, to the hope held out by their representatives that the official and emphatic protests, above quoted, might arouse the conscience of Great Britain, the majority of the burghers remained silent.§

* C. 3098, p. 7.

† P. 233, edition of 1902.

‡ As the Boers then thought. The experience of two wars, however, has taught them that they were mistaken.

§ Some four hundred Boers rode into the town, fully armed, as soon as the rumour reached them that Shepstone had designs upon the independence of the Republic. They were under the command of Mr. F. Wolmarans, who in later years became Chairman of the Volksraad. He and the other leaders, when received by the Executive Council, expressed their determination to eject the intruders, and were dissuaded with difficulty from doing so. (Compare Roorda Smit, p. 94.)

“Although always ready to sacrifice their lives for the independence of their country,” to quote a letter written subsequently by Messrs. Krüger and Joubert,* “the then loyal burghers of the State . . . obeyed law and order, were satisfied and held back by the protest of the Government, and the proclamation of President Burgers, while [*i.e.*, as long as] the righteousness and justice of Great Britain was pointed out to them as a reason to wait for the result of the protest.” They felt bitterly the wrong that had been done to them; they were practically unanimous in their hostility to British rule, but they waited for the result of more than one protest, with unwavering tenacity of purpose and with extraordinary patience, until at last, in December, 1880, when all peaceful efforts had failed, they rose as one man to recover the independence that had been snatched from them.

The fact that the rank and file of the Boers remained silent at the time of the annexation, and left it to their representatives to protest, and to Messrs. Krüger and Jorissen to bring that protest to the notice of the British Government, was of course taken advantage of to make it appear that personally, as Shepstone had predicted, they not only consented to the annexation, but welcomed it with enthusiasm and delight. Both Shepstone and Lord Carnarvon did their utmost to create this impression. The Commissioner—who was certainly a clever impressario—collected a number of Loyal Addresses approving of what he had done, and rushed these to London where they were promptly issued (June, 1877) as a special White Paper. They were supposed to represent the feelings of the great mass of the inhabitants, but to one only of these addresses was a signature attached, a solitary signature, that of a certain “Chas. H. Webster,” an unusual name for a Boer!

“Vaal River” was the rather vague description of a locality from which another of these addresses was supposed

* C. 2144, p. 128.

to emanate. It was forwarded, as usual, by an anonymous correspondent, in whose covering letter the Commissioner was assured that the enclosure had been "signed by all the Boers residing in this neighbourhood"—a statement difficult to disprove, seeing that not one signature was given and that the "neighbourhood" included a large slice of South Africa.*

But these memorials served their purpose. In the first place they gave Lord Carnarvon an opportunity to congratulate himself, and incidentally, Sir Theophilus, on the success of their enterprise and on the magnanimous behaviour of the British Government. "It is with much satisfaction," he wrote, "that I observe that the efforts which Her Majesty's Government have made to relieve the inhabitants of the Transvaal from anxiety and danger are appreciated by the memorialists."† In the second place Lord Carnarvon was thus put in a position to have it stated (June 18, 1877) by his representative in the House of Commons, Mr. J. Lowther, that:

'Subsequent information has made it clear that these protests [of President Burgers and the Executive Council] are not in accordance with the general feeling of the population, who appear to have cordially accepted the appointment of Sir Theophilus Shepstone.'‡

Following the appearance of this special paper, Blue Book after Blue Book was crammed with similar addresses to the Commissioner. He took care to be assured, for example, that—

'It affords us, the (*sic*) inhabitants of this town and district [of Rustenburg], much pleasure to congratulate your Excellency on the extremely successful termination [they meant 'result'] of the visit of Her Britannic Majesty's Special Commissioner [himself] to this country. We regard the proclamation of your Excellency, wherein you declared this country annexed to Great Britain, as one that could not have been

* C. 1814, p. 8.

† Ibid., p. 15.

‡ Hansard, vol. ccxxxiv. p. 1947.

deferred any longer, and without which the country would have drifted into greater ruin and anarchy. We have every reason to congratulate ourselves on the fortunate selection made by the British Government of such an officer as your Excellency has proved to be. We have witnessed, with agreeable surprise and pleasure, the good sense, the foresight, and excellent tact which your Excellency has exercised,' &c., &c.*

No signatures, as usual, but an illuminating footnote stating that "This memorial is couched in the same terms as the *third* memorial received from the inhabitants of Pretoria."

Out of scores of such addresses published in contemporary Blue Books, only in two cases are the signatures given, most of these being English.

Writing on April 25, 1877, a few days after the annexation, Shepstone had assured Lord Carnarvon that British rule was "being quietly, and *in the case of the majority thankfully, accepted* throughout the country," † which, one might suppose, was a sufficiently venturesome assertion. But by August, after all this flourish of memorials, the Commissioner's original statements had so far been improved upon in London, that in the Queen's Speech proroguing Parliament it was stated:

'The Proclamation of my Sovereignty in the Transvaal has been received throughout the Province with enthusiasm.' ‡

In Cape Town Sir Bartle Frere appears to have been thoroughly deceived—although in all probability he was as anxious to be deceived and to join in the round game of self-deception as the Secretary of State himself. After the departure for England of Messrs. Krüger and Jorissen, he had written to Lord Carnarvon, on June 12th:

* Dated May 4, 1877, in C. 1883, p. 21.

† C. 1776, p. 165.

‡ Hansard, vol. cexxxvi. p. 821.

‘I have done my best to discover whether they [the delegates] really represented any considerable section of the Transvaal population, or had in their own minds or instructions, at the time they left this, any definite course to submit to Her Majesty’s Government for adoption or sanction. I have failed to discover anything of the kind.’*

Then, so far as the feeling in Cape Colony was concerned, he wrote :

‘I feel assured from all the inquiries I can make, that in no part of the Colony are there many persons of property or influence who would really desire to see what has been done undone ; and an enormous majority of every class of the population would, I believe, very deeply regret any attempt to return to a state of affairs which is happily now of the past.’ †

Less than a month after Sir Bartle Frere had expressed this opinion, he received a strongly-worded petition, addressed to the Queen, and signed by 5,400 Cape Colonists, protesting against “that interference on the part of Your Majesty’s Government with what the old Colonists consider to be rights guaranteed by solemn treaties to their brethren and kinsmen in the neighbouring Republics,” and setting forth :

‘That it is Your Majesty’s petitioners’ firm belief that by this departure from the policy announced by Your Majesty’s Secretary of State for the Colonies, not only an injustice has been committed in regard to the South African Republic, but also a serious mistake has been made, the prospects of a cordial union between the several States of South Africa having been greatly interfered with by a measure tending to alienate from Your Majesty’s Government the minds both of the inhabitants of the Republics and of a large number of the Cape Colonists.’ ‡

Sir Bartle Frere, however, was now thoroughly committed to the conspiracy ; so, when forwarding this protest, he waived its significance airily aside by declaring, for the benefit of the English public, that he had “strong grounds for believing that there are very many loyal subjects of Her

* C. 1883, p. 15.

† Ibid., p. 10.

‡ Ibid., p. 28.

Majesty in this Colony who would not object to sign such a petition, under the impression that it pledged them to nothing more than a general feeling of regret that the annexation should have been necessary [!], whilst they would not wish to express any desire that the annexation should be disavowed or reversed."*

To the last it was held as a cardinal dogma by him, and by all British officials from the Secretary for the Colonies downwards, that only a small and contemptible minority of the Boers objected to the annexation. Sir Theophilus Shepstone assured Sir Bartle Frere that this was the case; Sir Bartle Frere assured the Secretary of State; the latter reassured Sir Bartle and he reassured Sir Theophilus: and they agreed unanimously that on no account should a plebiscite on the subject be taken! Time after time they were begged and then challenged by the Boer leaders to allow the people to record their vote for or against the annexation, but the request was invariably declined. Messrs. Krüger and Jorissen, during their visit to England in 1877, urged that this might be done. Lord Carnarvon's answer was extraordinary:

'I think you will be prepared,' he wrote, 'by what I have uniformly said to you on former occasions, to learn that after every consideration of this view I am altogether unable to consent to any such arrangement. Not only is it impossible for me to allow the act done in the name of the Queen by her fully authorised officer to be now questioned, but if this were possible I should consider it in the highest degree inexpedient to place on record that an extremely small minority of the community, as I believe you agree with me in estimating it to be [they agreed to nothing of the sort], is opposed to an acceptance of the Queen's rule. *Since you left the Transvaal for England the enthusiasm with which the vast majority of the people including the Dutch colonists have welcomed Sir T. Shepstone as the representative of Her Majesty has increased to the extent of apparently absorbing all other feelings; and it would be very unfortunate to take a step which a minority, however fractional*

* C. 1883, p. 27.

it may be, might fail to entail upon them the obligation which might otherwise be avoided, of recording their wish that his proclamation had never been issued.' *

The obscurity of the last part of this refusal made it none the less positive; nor was the positiveness of similar refusals thereafter lessened when it was proved beyond question that an overwhelming majority of the burghers were opposed to the annexation. This proof was obtained by Messrs. Krüger and Jorissen on their return to the Transvaal from England: they reported the failure of their mission and told their fellow-burghers (January, 1878) that Lord Carnarvon had been informed that they represented a mere handful of malcontents.† Two forms of petition were then circulated throughout the country in order to record the votes of the burghers in spite of the British authorities, and at a mass-meeting of the Boers held near Pretoria on the 4th of April, 1878, a Committee, appointed to scrutinise these votes, reported that "on the 125 different petitions delivered to us, signed against the annexation, we have found 6,591 signatures; on the 31 petitions, signed for the annexation, 587 signatures." ‡

Further than this, Sir T. Shepstone, apparently indifferent to the contradiction of all his previous assurances, which his words implied, admitted in a despatch to the Secretary for the Colonies that:

'The return of Messrs. Jorissen and Paul Krüger from Europe, and the report they made of the failure of their mission to induce Her Majesty's Government to annul the annexation of the Transvaal to Her Majesty's dominions, caused, *as was to be expected*, considerable excitement among the Boer population of this country' §—

So much excitement that he had found it necessary, in March, 1878, to issue a Proclamation of warning against

* C. 1961, pp. 33, 34.

† C. 2144, p. 104.

‡ C. 2100, p. 27.

§ C. 2144, p. 97.

“agitation,” and to train artillery upon the meeting at which Messrs. Krüger and Jorissen submitted their report.*

The Commissioner’s Proclamation was really an attempt to suspend the right of petition and to make it an act of sedition to reopen in any way the question of the annexation. It set forth that “one of the pretexts under which” the agitation was being carried on was to obtain signatures to the petitions or voting-memorial just mentioned: “and whereas the setting on foot of the said memorial and other documents was prompted by a spirit of sedition, and their professed object at the time known by those who prompted it to be unattainable,” it had therefore become “necessary to declare and make known that all attempts—whether by public meetings or otherwise—to unsettle and alarm the minds of the people, and all utterances calculated to disturb the public peace and the quiet of the country, and to create disaffection towards the Government—will be dealt with as the law directs.”†

A few days before the appearance of this Proclamation, a similar attempt had been made to silence Mr. Krüger personally. He had received the same sort of comprehensive warning, and had been informed further:

‘In setting on foot as you have done a plan to obtain a general vote of the people on the question of annexation, although that plan is veiled under the plausible pretext of signing a memorial to Her Majesty the Queen, you must be aware that you have acted in direct opposition to the decision more than once conveyed to you personally by the highest authority, and you must be equally well aware that *the signatures to such a memorial will not represent the real feelings of those who sign it*’ [!].‡

These “willing and enthusiastic” subjects of the British Crown, as they had been represented a few months earlier, had even contemplated the use of force, according to a

* C. 2144, p. 144.

† C. 2100, p. 84.

‡ Ibid., p. 27.

telegram forwarded to the Secretary for the Colonies by Sir Bartle Frere, which announced: "Boer meeting in Transvaal held on 4th and following days. Passed off quietly. *The idea of force abandoned* and another deputation to England resolved on." *

The new deputation to England was to carry with it the vote of the burghers against annexation, in the hope that the Secretary of State could thus be convinced, notwithstanding the "Loyal Addresses of Welcome" and the misleading reports of the Administrator, that the first deputation had really represented the majority of the people. Toward the expenses of this second deputation the Boers present at the meeting of April 4th, personally subscribed over £1,900, selecting Messrs. Paul Krüger and Piet Joubert as their delegates.

As it could no longer be denied that a majority of the burghers declared themselves to be opposed to British rule, the suggestion contained in the official letter to Mr. Krüger was made specific, and it was now alleged plainly that this adverse vote had been obtained by means of threats. Thereupon the members of the deputation, before leaving for England, issued a public notice requesting any one who had been influenced in this way, at once to withdraw his vote.† Not a vote was withdrawn, nor could the British Administrator produce a statement from a single burgher in support of the allegation. Nevertheless, when the delegates arrived in England, they found that Sir Michael Hicks Beach, who had succeeded Lord Carnarvon as Secretary of State for the Colonies, relied on this charge to defend the pet dogma of the Colonial Office.

In a letter dated July 10, 1878, from London, the delegates dealt with the mis-statements contained in Shepstone's Proclamation and Address, point by point—with the

* C. 2144, p. 18.

† *Volksstem*, of April 16, 1878.

Sikukuni matter; with all that had been alleged in regard to the Zulus; with the financial position of the Republic; and with the main point at issue, the claim that a majority of the burghers approved of the annexation. Refuting this claim, they enclosed, as proof that the statements on the subject made by the first delegation had been correct: (1) The resolution of the Volksraad of the Republic, dated February 22, 1877, calling upon the Executive to maintain the independence of the country; (2) the resolution of the Executive Council dated April 11, 1877, protesting against the threatened annexation and nominating a deputation to lay the protest before the British Government; (3) the protest of the President of the Republic, dated April 11, 1877; (4) the memorial, dated January 7, 1878, in support of the protest, signed by 6,591 out of a possible 8,000 electors, 427 further signatures having been obtained without being included, as they had been sent in informally.*

After a delay of nearly a month, Sir M. Hicks Beach, in reply to the foregoing, sent a long despatch, dated August 6, 1878, repeating what Sir T. Shepstone had told him. The whole of it is contained in these sentences :

‘I am unable to regard the memorial as representing the true and deliberate opinions of those inhabitants of the Transvaal who are capable of forming a judgment on such a question.’

‘That circumstances of provocation or necessity are conceivable which would have justified the British Government in establishing its authority north of the Vaal, notwithstanding the Convention made with the emigrants, you will yourselves probably admit. The question is whether such circumstances had arisen when Sir T. Shepstone issued his proclamation, and this is a question which Her Majesty’s Government, while determined fairly and liberally to carry out its engagements to the utmost possible extent, claims as the paramount power in South Africa, and responsible in the last resort for its peace and safety, to be alone entitled to answer.’ †

* C. 2128, pp. 3, 14.

† Ibid., pp. 17, 18.

The last sentence, translated from the language of officialdom into plain English, meant that a solemn treaty between Great Britain and a small State could be considered binding only in so far as Great Britain, from day to day, might happen to regard it as convenient to do so, and that, in other words, such a treaty or engagement, from the moment of signature, was not worth more to the small State than so much waste paper.

These and other statements made by the Secretary of State in criticism of their mission are summarised and answered in a letter from Messrs. Krüger and Joubert which they addressed to him from the Albemarle Hotel, London, on August 23, 1878.

‘The repeated declarations given in your letter,’ they wrote, ‘of the impossibility of the Queen’s sovereignty over the Transvaal being now withdrawn, added to the fact that you have in your place in Parliament stated that the determination to reverse the line of policy established by Lord Derby in 1852, and which led to the acknowledgment of the independence of the Transvaal and the Orange Free State, has been the deliberate resolve of Her Majesty’s Government, show that it is vain for us to continue the hope that any arguments we may adduce will be allowed to affect that decision.

‘It is made clear to us that no argument based on the terms of the Convention itself, on a refutation of the allegations or assumptions contained in the proclamation of annexation, or even upon the question of abstract right, is any longer of avail to us.

‘We are led to this conclusion because of the following propositions now laid down in your letter:

‘1. That the future destinies of the Province (Transvaal) are not to be controlled by a reference to the wishes of the white population alone; or in other words, the wishes of those with whom the Convention was entered into.

‘2. That the maintenance or removal of the Queen’s sovereignty is not to be determined by a reference only to the balance of opinion among the white inhabitants; and

‘3. That the question, as to whether circumstances had arisen in the Transvaal to justify the annexation, is one which Her Majesty claims, as the paramount power in South Africa, to be alone entitled to answer.

‘. . . . You have said that to discuss such questions in the relative

positions in which the parties to the argument stand is not profitable. In our view, however, it becomes a necessity that when incorrect information is brought to bear with such grievous effect upon our country, we should endeavour, as far as it lies in our power, to establish the truth. We shall therefore now proceed to remark upon the several points which have been raised in your letter, in the order in which they there occur.

‘1. *The assumed assent of the late deputation.*

‘You have said that Her Majesty’s Government had a right to conclude that the question of annexation had been disposed of, and that you learnt with surprise we had allowed ourselves and induced others to believe the act could be undone. This action on our part and others was grounded on the belief that justice would be allowed to prevail, and that the desire to consult the wishes of the people as intimated in the commission to Sir T. Shepstone was real. We desire to point out that at their earliest interview with Lord Carnarvon all discussion on the question of the propriety of the annexation was at once interdicted, and thus, that no conclusion based on the silence of the late delegates in this respect is fairly admissible. His Lordship gave the delegates to understand that the information he possessed tended to show that the annexation had occurred “by the great wish of the majority of the people of the country.” Mr. Krüger, silenced though not convinced, as he stated at the time, asked for a “plebiscite,” and in declining this his Lordship again referred to the opponents of British rule as “an extremely small minority,” and informed the delegates that “since they left the Transvaal for England the enthusiasm with which the vast majority of the people, including the Dutch colonists, welcomed Sir T. Shepstone as the representative of Her Majesty, has increased to the extent of apparently absorbing all other feelings.”

‘The subsequent action of the delegates was due to the belief that what has here been stated was grounded on fact, and that an inexplicable change had taken place in the feelings of the people as thus described. They could not, therefore, have acted otherwise.

‘On their return to the Transvaal, however, they found, not alone that great indignation existed at the manner in which their views had been misrepresented, but that a resolution had been taken to make known to Her Majesty the real state of feeling. The result of that resolution is the memorial which we have now had the honour to present.

‘2. *The pressure said to have been put on the signatories to the memorial.*

‘We desire to correct the impression that we have attached undue importance to the number of these signatures, or that any the slightest coercion has been used to obtain them. That these signatures virtually

represent the whole of the adult males of the Dutch population, and that they were freely given, are facts which cannot be controverted, and we feel sure that much indignation will now again be excited if it is known that any averment to the contrary has affected the question at issue.

'Nor is it the case that any change has taken place such as you have suggested in consequence of the supposed removal of immediate danger. The peaceable conduct of the Boers throughout these extraordinary proceedings has been due alone to the proclamation of the President, . . . calling on them to wait in peace the result of their protest, and informing them that any disturbance might have the effect of stultifying that protest, and would afford a plea for that which they desired to avert.

'The open and aboveboard nature of the proceedings, as may be seen from the minutes of their meetings . . . is, we should think, sufficient to show that every means were taken to assure a fair and legitimate expression of opinion.

'When so incorrect a charge is made we feel ourselves at liberty to ask whether the promises and the warnings of Sir T. Shepstone and the fact of the agents employed to traverse the country for signatures in favour of annexation, have been taken into account as influencing the other side of the question.

'3. *The reception of Her Majesty's Special Commissioner.*

'When Sir T. Shepstone visited the Transvaal in the above capacity, and with the object, stated in his letter to President Burgers dated 20th December, 1876, of inquiring into the causes of the disturbances there, and with a view to securing their adjustment, he was undeniably well received by all parties. He came, to use his own words, as a "friend," and he was received as such, and with the respect due to the Queen's representative.

'But if from this the British Government have been led to infer more than is here conveyed, or if it is asserted that any ground exists for believing that either he or the troops were well received by the Boers as representing British rule in the Transvaal, we can only meet such assertion with direct denial. . . .*

* The delegates, continuing to deal with the various points raised by Sir M. Hicks Beach, cover ground already surveyed in these pages, and as their remarks do not refer to the subject now under consideration—the alleged willingness of the Boers to accept British rule—that portion of their letter is given here as a footnote, for reference rather than for immediate perusal:—

"4. *The statement that the taxes were for the greater part unpaid.*

"The words of the resolution of the Volksraad to which you have referred as 'placing it on record that the taxes were for the greater part unpaid,' were part of the preamble of a resolution calling on the Executive to take measures for enforcing their payment, and had reference, as you have probably not

'We have,' they continued, 'now to allude to the concluding portions of your letter, in which, after deprecating any attempt on the part of our countrymen to resort to other than peaceable measures, you assure us of the desire of Her Majesty that no time should be lost in carrying out the promises given in the proclamation, and also of your anxiety to secure our co-operation and that of those on whose behalf we have addressed you in an endeavour to arrive at an understanding respecting the future Government of the country.'

'We desire to take the earliest occasion of stating that we personally will yield to none in the desire to maintain peace, and to dissuade from such a course any who should be ill-advised enough to act otherwise.'

'We have, however, to point out in reference to what follows, that as *the people of the Transvaal for whom we act have at no time contemplated an acceptance of even the most ample fulfilment of the promises of Sir T. Shepstone as the price of their independence*, it would be beyond our province as delegates for one special object to discuss here the subjects to which you allude.*'

Sir Michael Hicks Beach made no attempt to deal with the facts brought forward in the foregoing despatch. Nearly

hitherto been informed, mainly to the heavy and unpopular war tax which had shortly before been imposed.

"5. *President Burgers' speech.*

"An excited speech made by President Burgers at a most exceptional time, on the eve of a presidential election, and which was intended to rouse the people to the exertion of a violent effort when the freedom of their country was threatened, has, we cannot but think, been made most unfair use of, and we feel that we have a just ground of complaint that in this, as in other instances, a system of special pleading has been resorted to by Sir T. Shepstone, which is not worthy of the cause or of the country he represented."

After referring to the criticisms that had been advanced by the Secretary of State concerning various boundary disputes, the delegates, in regard to certain land on the borders of the Transvaal and Zululand, called attention to the fact that:

"For years past the claim of the Transvaal to the land had been persistently ignored, and yet, as will be seen by Sir T. Shepstone's Despatch of January 2, 1878, he was able immediately after the annexation to report that the claim of the Republic to the land was 'proved by evidence the most incontrovertible, overwhelming, and clear.'

"So also in the case of Sikukuni. The war against him was denounced as unjust and aggressive. The claim of the Republic to the land he occupied was denied, and the Chief declared never to have been, either *de jure* or *de facto*, subject to the Transvaal.

"As soon as the country was annexed, Sikukuni was informed by the Administrator that he could only remain in what is then called 'Transvaal territory' on condition of his being a subject, and he was at the same time ordered to pay the war indemnity claimed by the late Government."

* C. 2220, pp. 362-365.

three weeks passed before he replied to it, and then, writing on September 16th, he merely said :

‘I observe that you have felt yourselves under the obligation of again urging that view of the relations between Her Majesty’s Government and the Transvaal which I had informed you that I could not, although actuated by the most friendly sentiments, admit to be just and right ; and have brought forward further representations in support of your request for the withdrawal of the Queen’s sovereignty.

‘It does not appear to me that any advantage could result from continuing the discussion on this subject, but it must not be assumed on this account that I admit the validity of your arguments, or that, in my opinion, the conclusions which you have endeavoured to establish can fairly be deduced from the facts of the case.’

He then assures them that :

‘It is the object of Her Majesty’s Government that the Transvaal should remain an integral and separate State, united with the neighbouring Colonies, for purposes which are common to all, into a South African Confederation, the centre of which would be in the Cape Colony ; but possessing a Constitution securing, to the utmost practicable extent, its individuality and powers of self-government under the sovereignty of the Queen.’*

Messrs. Krüger and Joubert, having previously acknowledged the receipt of the above reply through their secretary, wrote, on October 19, 1878, announcing their departure for the Transvaal, and expressing their disappointment at the failure of their mission.

“The country,” they said, “was [*i.e.*, before the annexation], though perhaps slowly, yet steadily progressing. It had a Legislature of its own choice. It had the prospect of the speedy establishment of railway communication with the coast. Peace had been secured with Sikukuni, and it was prepared even to entertain the question of confederation. All these advantages and prospects have now been

* C. 2220, p. 365 ; and see also the despatch from Sir Michael Hicks Beach to Sir Bartle Frere, of June 12, 1879, in C. 2454, p. 50.

cast away." And they then reiterated their "conviction that it is only by the redress of its wrongs, and the re-establishment of its independence, that the Transvaal can co-operate with the adjoining States for the permanent welfare of South Africa." *

* C. 2220, p. 368.

CHAPTER XVII

THE ATTITUDE AND BEHAVIOUR OF THE BOERS (*continued*).

SOME of those who are unable to sympathise with the desire of a people to be independent have asserted that the discontent of the Boers with British rule, and their armed resistance in 1880, were due solely to the personal unpopularity of Colonel Owen Lanyon, who succeeded Sir T. Shepstone as Administrator of the Transvaal. How baseless is this opinion may be gathered from the fact that it was not until after the return from England of the second Boer deputation, that Colonel Lanyon was appointed Administrator (February, 1879).* On the 11th of January the report of the deputation had been submitted to the Committee of the Boer leaders, at Wonderfontein in the Transvaal; and at this meeting, after several memorials from the people had been read, "containing a refusal to accept of any concessions, and abiding by the protest of the late Government," the Committee, of which Mr. M. W. Pretorius was President, had resolved "to continue protesting against the injustice done" and "to appoint a committee to adopt further measures towards regaining our independence."† The following agreement had also been signed (but of course in the Dutch original) by most of those who had attended the meeting:

* C. 2260, p. 70. Colonel Lanyon was sworn in as Administrator on March 4, 1879.

† Ibid., pp. 71, 72.

'In the presence of Almighty God, the searcher of all hearts, and prayerfully waiting on His gracious help and pity, we, burghers of the South African Republic, have solemnly agreed, as we do hereby agree, to make a holy covenant for us and for our children, which we confirm with a solemn oath.

'Fully forty years ago our fathers fled from the Cape Colony in order to become a free and independent people. Those forty years were forty years of pain and suffering.

'We established Natal, the Orange Free State, and the South African Republic, and three times the English Government has trampled our liberty and dragged to the ground our flag, which our fathers had baptised with their blood and tears.

'As by a thief in the night has our Republic been stolen from us. We may nor can endure this. It is God's will, and is required of us by the unity of our fathers and by love to our children, that we should hand over intact to our children the legacy of the fathers.

'For that purpose it is that we here come together and give each other the right hand as men and brethren, solemnly promising to remain faithful to our country and our people, and with our eye fixed on God, to co-operate until death for the restoration of the freedom of our Republic.

'So help us Almighty God.'*

Mr. P. Joubert was requested to proceed to Pietermaritzburg, in Natal, where the High Commissioner, Sir Bartle Frere, was then residing, in order to inform him of the determination at which the people and their Committee had arrived.

Sir Bartle Frere, reporting the result of his interview with Mr. Joubert to Sir Michael Hicks Beach (February 10, 1879), wrote: "I am bound to say that throughout all my intercourse with Mr. Joubert I have found him singularly well-informed, energetic, and persevering in pursuing what he considers the patriotic objects of his supporters." He had assured Mr. Joubert that the British Government would give the Boers "a free constitution," but that national independence was out of the question.

* C. 2316, p. 1; translated in the Blue Book as from the Dutch version given in the Cape Town *Zuid-Afrikaan* of February 15, 1879.

He had been assured in return that "it was the unanimous feeling of the people that they would have their own independence; that they would be satisfied with no concession.*

The Boers, at this time, were facing a terrible temptation. Sir Bartle Frere had attacked the Zulus, and, on January 22nd, the army of Cetywayo, the Zulu King, had almost annihilated a large British force at Isandhlwana. Cetywayo sent messengers to the Boer leaders urging them to seize their opportunity to rise in arms against the British.† Every available soldier had been withdrawn from the Transvaal. It was a temptation almost as great as that which they faced—and also overcame—many years later, in 1900, when more than one powerful tribe offered to help them against the British at a time when the Boers knew that the British were employing thousands of blacks against them. On both occasions they refrained from taking advantage of their opportunity because they believed that to use black men against white is more disgraceful than defeat. A few of them—"forty or fifty men"‡—went so far as to overlook their treatment by Sir George Napier when they or their fathers had been deprived of their reserve ammunition when defending themselves against Dingaan, and actually assisted the British against Cetywayo. But the immense majority, in spite of the fact that they were offered five shillings a day and rations for their services,§ held entirely aloof from the struggle.

* C. 2260, p. 69.

† Ibid. p. 74.

‡ According to Captain Hallam Parr, in *A Sketch of the Kaffir and Zulu Wars*, p. 257. The leader of these volunteers, Pieter Uys, who lost his life in the war, fought for traditional reasons: his father and brother had been killed by the Zulus in 1838.

§ C. 2222, p. 219. Mr. Krüger was invited by Sir T. Shepstone, with the approval of Sir Bartle Frere, to organise and to take command of a Boer force to assist the British against the Zulus. Replying to this invitation on January 21, 1879, he wrote (in Dutch): "I am sorry to have to inform you, that it appears to me that the annexation has caused a breach between the people of the Transvaal, who have protested against the annexation, and the British Government; a breach of so serious a nature, that for many many years to come no friendly co-operation can be thought of. For so far as I have been

Isandhlwana and other British disasters, including the moral reverse occasioned by the death of the French Prince Imperial, did not shake the resolution of the Boers to abstain from using, for their own ends, the phenomenal success of the Zulus. It was an example of real generosity.

Meanwhile, Sir Bartle Frere had promised to visit them in person. Thousands of Boers, from all parts of the Transvaal, collected at Kleinfontein, between Heidelberg and Pretoria, to be present at the meeting. They hoped that by giving the High Commissioner ocular demonstration of their numbers, they would be able to convince him, and, through him, the Imperial authorities in London, that they really constituted a majority of the population. They had been led to believe that he would arrive in the early part of March, 1879. Their leaders had an interview with Colonel Lanyon on March 24th,* but Sir Bartle Frere was a month later than had been expected, and, during the interval, they were obliged to leave their farms to the care of their wives and children. Many of them found it impossible to wait so long, and returned to their homes before the meeting took place. From first to last some four or five thousand had signified their adherence by attending. When the High Commissioner at last arrived, he refused to discuss matters with the large body of them that he found awaiting him, consenting to visit their camp, but to talk with a small committee only, in some other locality.

In a despatch to the Secretary of State he gives an account of this visit, saying that when he and his party reached the camp on April 10th :

‘ We found the Boers drawn up on foot and unarmed in two lines, at the end of which a couple of hundred were grouped round the Com-

able to observe the spirit now ruling the people, the wished-for co-operation cannot be expected unless the annexation is revoked. . . . Considering all these matters, I am obliged to decline the appointment you offer me ” (C. 2306, p. 7).

* C. 2316, p. 88.

mittee's tent, where we alighted and were offered some refreshment and introduced to some of the leading men who had not been with the deputation to receive us. The demeanour of the Committee and principal men was coldly courteous. The great body of the Boers received us in silence and without any mark of recognition; but those we passed on our way out of the camp generally saluted us, and there was nothing approaching disrespect in manner or word.*

Those who were present said afterwards that it was one of the most impressive sights they had ever seen—the two long lines of Boers, silent and motionless, and the British High Commissioner, riding between them, surprised, disconcerted, but endeavouring to appear unmoved.†

The conference with the Committee took place on April 12th, at Erasmusspruit, near Pretoria. There were present—besides Sir Bartle Frere, Colonel Lanyon, and their secretaries—Messrs. M. W. Pretorius, M. Viljoen, S. J. P. Krüger, P. J. Joubert, H. J. Schoeman, and eighteen other representative burghers. Considerable anxiety as to the result of this meeting was felt by the British officials, who feared that unless the Boers in camp were satisfied they would at once proceed to extremities. In this, official expectation was again at fault, for although the Boers were by no means satisfied, they waited another year and a half before resorting to force.

Sir Bartle Frere reminded the Committee that on two separate occasions their delegates had already been informed by Secretaries of State in London that the decision of the British Government to retain the Transvaal was irrevocable. He repeated that that decision would never be altered. But, he said, he could promise to give them what he called independence—

'Now, all these things, which make up what I call independence, I can give you. I can promise you that these shall be the objects

* Despatch from Sir Bartle Frere to Sir M. Hicks Beach, C. 2367, p. 54.

† Compare *Memoirs of Paul Krüger*, vol. i. p. 157.

of any constitution that is made for the Transvaal; that you shall be able to go where you please, to say what you please, and do what you please—all within the law; that you shall be protected in your lives and property while you obey the law; and that you shall have the power to make your own laws with reference to everything within the Province.' *

The Committee replied that nothing less than national independence would satisfy them or their people.

'We have sacrificed,' Mr. Pretorius said, 'our blood and property for independence, through poverty, exposure, and troubles with natives; and then to become British subjects in this country for which we have shed our blood and spent our property, to be servants of those who came into our country to make their fortune, it is a bitter cup.' †

Mr. Krüger declared: after "hearing what your Excellency has said, I am more discontented than I was before." The Queen, he continued, had been misled in regard to the annexation. An inquiry should be held so that the facts could be made known.

'According to my view the honour of Her Majesty would be this, that if Her Majesty finds that she has been deceived, she will not allow Her Crown to be stained, but will make truth prevail, and give back what has been unjustly taken; and when people see right and justice prevail, there would be a bond between them that will not otherwise exist if they found themselves deceived.' ‡

Mr. Joubert, some days before, had told his people that if he "were to look to the power of England, it is as impossible for me to advise resistance as it would be for me to touch heaven with my hand. But I look upon a higher hand above us, and if England was so strong that it could crush me to dust, I would, with His help, rather allow myself to be crushed than give up my liberty." § Speaking now he declared:

* C. 2367, p. 87. Compare p. 9 *supra*.

† Ibid., p. 89.

‡ Ibid., p. 90.

§ Ibid., p. 59.

'I should mislead your Excellency if I said that the people of the Transvaal would be content with anything short of their independence. All the independence as defined in the Cape Colony and England is understood by the people who have chosen their Sovereign or voluntarily stand under that sovereignty, and unlike us, who have never consented to such sovereignty. A slave, however kindly treated, desires his liberty, and will exchange for such slavery, freedom, even though it might entail great misery.' *

At this Sir Bartle Frere appeared to lose all patience. His previous experience of ruling men had been gained among Asiatics, and he now displayed his utter inability to understand the character of the Boers: he thought he could bully them into silence. "Mr. Joubert," he said, "I think we have had enough of this tall talk. You must know that it is pure nonsense this talk of being a slave." † No notice was taken of the interruption, and in a few minutes Mr. Joubert quietly resumed the subject, saying:

'This annexation has been brought about by deceit and perjury, and the eyes of people in England are being opened more and more as to this. Let the full light now fall upon you. Say to them that the annexation, like every wrong deed, has brought about evil consequences, and will have numberless others of the same kind.' ‡

They were offered the dry bones of freedom, but they demanded the soul, and nothing less than that would

* C. 2367, p. 92.

† Ibid., p. 92.

‡ Ibid., p. 94. Bishop Colenso of Natal had said much the same thing in a letter written soon after the annexation had taken place (April 30, 1877): "As to the Transvaal affair I hardly know what to say, except that *the sly underhand way in which it has been annexed appears to me to be unworthy of the English name*, and to give the lie direct to Lord Carnarvon's public statements about Sir T. Shepstone being only sent to offer friendly offices to the Transvaal Government. It is plain that the whole was planned in England; and I am afraid the scheme will be found to include other annexations—*e.g.* of Zululand, which will be a very serious affair indeed. But time will show how Sir T. Shepstone means to govern the Transvaal . . . and how he means to make a recalcitrant people pay for such government. The expense will enormously exceed that of the Boer Government. Is the British taxpayer to be bled for it?" (*Life of Bishop Colenso*, vol. ii. p. 447).

content them. So they drew up yet another memoria to the Queen, which the High Commissioner promised to forward. In this, they begged for the restoration of their independence as guaranteed to them by the Sand River Convention, and, in answer to the likely question, how, if they had really been opposed from the first to the annexation, had Sir T. Shepstone been "able to annex the country without the burghers offering any armed resistance to it"? they said:

'Your Majesty, it grieves us deeply to have to say it, but we cannot do otherwise than speak the truth: he did it by craft, deceit, and threats. After he had entered the country with the solemn declaration that, as the representative of Your Majesty, he came as a friend to friends for the purpose of removing grievances, and in that sacred capacity had been overwhelmed with kindness by us, he shortly afterwards, in the Executive Council, threatened the country and the people with the savages against whom Your Majesty's brave troops are now waging a bloody war in Zululand. In the same place and on the same occasion he threatened us with the armed power of Her Majesty's troops already collected by him on the borders, and to whom he gave orders on the day of the annexation to enter the country; and yet he wrote to your Government that he had strictly refrained from anything that had the least appearance of a threat.' *

Not only this, but "instead of informing Her Majesty's Government faithfully, and in accordance with the truth as to what he found here, Sir Theophilus Shepstone sent untrue accounts to England, and made it appear as if the people were in favour of an annexation."

'Must it then, Your Majesty,' the memorial continued, 'come to war? It cannot be your will, just as it is not our wish. Your Majesty cannot desire to rule over unwilling subjects. Unwilling subjects but faithful neighbours, we will be. We beseech you, put an end to this unbearable state of things, and charge your High Commissioner in South Africa

* C. 2367, p. 98. The change from "Your Majesty" to "Her Majesty" in the above quotation does not appear in the original Dutch.

to give us back our State. . . . In conclusion, should Your Majesty have any doubt whether we actually represent the very great majority, we are happy to state to Your Majesty that nothing would please us better than to have this decided by the vote of the burghers.' *

That some such doubt would be kept alive the Boers foresaw. Colonel Lanyon, following the traditions of his predecessor, did his best to belittle the representative character of the meeting. Writing from Pretoria to Sir Bartle Frere in Pretoria, on the day after the meeting—for no conceivable purpose but for publication—he said :

'The meeting has been, no doubt, largely attended, but I have good cause for knowing that very many have been brought there against their will and sympathies by threats and gross intimidation; and I may further state that many who now wish to leave are kept there in the same way. The men who are there are far from representing either the intelligence or the vested interests of the Transvaal. I may safely assert that there are few amongst them whose education extends beyond the first rudiments of reading and writing. The greater proportion of them are hardly even so far advanced. . . . For the past two years this unhappy agitation has been kept up by men who are nearly all foreigners to the soil, and who have little or no property or vested interests in it; there can be but little doubt that were it not for their evil influence by far the greater portion of the people would gladly accept the peace and sense of security which Her Majesty's rule affords them.' †

Colonel Lanyon had been in the country for little more than a month; Sir Bartle Frere had been there for less than a week; but they had of course "heard things" before they arrived there: and was it not their duty to support the policy of the Secretary of State? Still, although Sir Bartle Frere seconded Colonel Lanyon's efforts to belittle the significance of the movement of which the meeting had been an expression, and although he still felt called upon to uphold the dogma of the Colonial Office by declaring that the majority of the population favoured the annexation, his

* C. 2367, pp. 98-100.

† Ibid., p. 59.

report to the Secretary of State contained admissions which cannot have made agreeable reading and which probably helped to damage his reputation as a tactful contributor to Blue Books.

‘If I may judge from the gentlemen composing the deputation,’ he wrote (April 14th), ‘and others of their class whom I have had the honour of meeting since coming to the Transvaal, the leaders are, with few exceptions, men who deserve respect and regard for many valuable and amiable qualities as citizens and subjects.’

Speaking of the results of the meeting Sir Bartle Frere said :

‘If they have learnt anything as to the finality of the act of annexation, that I have no power to undo it, and do not believe it will ever be undone, in the only sense in which they will ask it, *I have on the other hand been shown the stubbornness of a determination to be content with nothing else, for which I was not prepared by the general testimony of officials who had been longer in the country, and who professed to believe that the opposition of the Boers was mere bluster, and that they had not the courage of their professed opinions.* I am convinced, and so I think is Colonel Lanyon, that in both respects the information I have generally received has been based on an erroneous conception of the Boer character.

‘I feel assured that the majority of the Committee felt very deeply what they believed to be a great national wrong, and that if they refrain from attempts to attain their objects by force, it will be, with most of the leaders, from higher motives than any want of courage or self-devotion.’

Then, as to the state of the country :

‘Meantime the taxes, which ought to have been paid three months ago, are uncollected, and the government of the country is virtually in abeyance, or on sufferance, everywhere outside the capital.

‘It speaks volumes for the generally patient and law-abiding character of the people that so little advantage has hitherto been taken of this state of things, and that when the meeting disperses of itself or is dispersed by authority, there is every reason to hope that under Colonel Lanyon’s vigorous rule law will re-assert its supremacy . . .’

Sir Bartle Frere concluded his despatch by saying that he had written to the Commander-in-Chief of the troops in South Africa to send reinforcements, particularly artillery, as soon as possible ! *

Privately, on May 2, 1879, he wrote to Sir M. Hicks Beach—

‘Unless I had seen it, I could not have believed that in two years things could have drifted into such a mess.’ †

As a counter-blast to the Boers’ Memorial to the Queen, some of the English shopkeepers in Pretoria assembled on the 24th of April, 1879, and declared “that this meeting, as representing the progressive [!] portion of the community, desires to express its full concurrence in the annexation and continuance of the British Government.” ‡ The Pretoria “Chamber of Commerce,” consisting of the same progressive individuals, met not long after (June 12th), and solemnly resolved “that it is the opinion of this Chamber, that were the British Government to withdraw from the country, *a civil war would certainly ensue* [presumably between the Chamber of Commerce and the Boers], and the country would be overrun by the Kaffirs and become untenable for the white man” §—an amusing forecast in view of subsequent events.||

The Volksraad of the Orange Free State, on the other hand, by a large majority passed a resolution (May 14, 1879) expressing sympathy with the Transvaalers in their efforts for “the recovery of their existence as an independent people,” and when, shortly afterward, President Brand, whose caution was proverbial, asked to be heard on the subject of this resolution, the “Raad by a large majority refused to hear his Honour.” ¶

* C. 2367, pp. 56, 57.

† C. 2454, p. 56.

‡ The sequel is told in Chapter XXI. of this volume.

† Martineau, p. 142.

§ C. 2454, p. 128.

¶ C. 2454, p. 107.

The Africanders in Cape Colony also, in spite of the frequent and most positive assurances by the British Government that the annexation would never be revoked, repeated their original protest against it and endorsed the Boer Memorial to the Queen.* Not content with this, in November, 1879, a deputation, consisting of prominent members of the Legislative Council and Assembly of the Colony, including Mr. Saul Solomon, the champion of the natives,† waited upon the Governor to urge that a vote should be taken officially "with the view of ascertaining the real state of the feeling of the inhabitants" of the Transvaal, "and that in the event of the majority being against the retention of British rule, the independence of the country should be restored" under such guarantees as might be considered necessary. Mr. Fleming, M.L.A., a member of the deputation, during this interview with Sir Bartle Frere declared that "the men [in the Transvaal] who are now fighting for independence ['fighting' but figuratively at that time], are entitled to the first respect and the best sympathies of every true Colonist throughout South Africa."‡

But by this time it was becoming impossible to maintain any longer that the majority of the inhabitants had recorded their vote against the annexation only because of intimidation by the malcontents. Consequently, when General Sir Garnet—afterward Viscount—Wolseley was sent out to take command of the army in South Africa and to supersede Sir Bartle Frere as High Commissioner in the Transvaal, one of his earliest acts (he arrived in Pretoria on September 27, 1879) was to discover that the majority *would* have approved if only the promises made by Sir T.

* C. 2482, p. 37.

† A fact of considerable significance, even though, as his conduct subsequently showed, Mr. Saul Solomon's main object in joining this deputation was to injure his political opponents in the Colony rather than to help the Boers.

‡ C. 2482, pp. 446, 449. According to one of the members of this deputation the High Commissioner addressed them "as if they were schoolboys" (Dr van Oordt, p. 84).

Shepstone at the time of the annexation had not been violated. In a despatch to Sir Michael Hicks Beach, dated October 3, 1879, he said :

‘It is now two years and a half since Her Majesty extended her authority over this territory, and yet so far no steps have been taken to fulfil the pledges given by Sir Theophilus Shepstone in Her Majesty’s name in regard to the creation of a settled form of government in this country.’*

In order to rectify matters, he said, he had issued a proclamation constituting an Executive Council for the Transvaal. This Council met for the first time on February 23, 1880. Not long afterward he created a Legislative Assembly, which began its brief career on March 10, 1880.†

Actually, Sir Bartle Frere had recommended this step in April, 1879, adding, in noteworthy comment on the republican institutions that had been overthrown :

‘The Boer population of the Transvaal has heretofore only enjoyed too much self-government [!]. I do not think they showed any incapacity for legislation, such as the circumstances of the country required.’‡

But if, in the opinion of Sir Bartle Frere, the Boers, as republicans, had enjoyed too much self-government, there was no fear of their doing so under the system inaugurated by General Wolseley. Neither of the bodies he had created was elective. They were “a mockery of representation,” as

* C. 2482, p. 332.

† Ibid., p. 380; C. 2584, p. 192.

‡ C. 2482, p. 18. Lord Carnarvon, when out of office, warned his successors against the danger of granting responsible Government or representative institutions to the Transvaal. Speaking on this subject in the House of Lords, on May 24, 1880, he said : “The case of the Ionian Islands might be borne in mind by way of caution. Years ago one of the difficulties which was experienced there, was that whenever the Legislature of those Islands was called together, the first thing proposed was the passing of a Resolution repudiating the supremacy of the Crown” (Hansard, vol. cclii. p. 299).

Kruger said in an eloquent address to the Volksraad of the Orange Free State,* “designed, not to benefit, still less to represent, the Boers, but to draw a veil over the fact that the Government of the country was purely despotic.”

In no case, however, did the failure to keep the promises made by Sir T. Shepstone when he annexed the country have anything to do really with the hostile attitude of the Boers. As the same address to the Free State said: “A bad or a good government was equally indifferent to us while subjected to the yoke of a foreign conqueror in the land of our fathers.” And that this was the case should be evident from the foregoing record of their actions; from their refusal from the first to accept any concessions in place of their independence,† and from the fact that not once, as the Blue Books of the period show, did they put forward as a grievance Sir T. Shepstone’s tacit repudiation of all that he had undertaken.

It was left to the Uitlanders of that day to complain on this score, and they protested loudly enough. In May, 1878, some of them had petitioned for the “promotion of Sir Theophilus Shepstone to some other sphere of political usefulness,” setting forth “the all but universal failure on the part of Sir Theophilus Shepstone and our Local Government to fulfil the promises contained in his proclamation and address of the 12th of April, 1877,” and appealing to the “sense of English honour and justice, of which we hear so much but experience so little at the hands of our Local Government.”‡

But the Boers had not signed this petition. Messrs. Kruger and Joubert, questioned by Sir Bartle Frere in Cape Town in regard to it (June 3, 1878),—

* Dated February 7, 1881; C. 2866, p. 173.

† C. 2220, p. 365; C. 2367, pp. 83, 92; C. 2482, p. 53.

‡ C. 2144, p. 143.

'Repudiated all connection with the promoters of the petition. . . . It emanated, they said, from the same men ["foreigners to the Transvaal" *] who had brought in Sir Theophilus Shepstone, and had caused the annexation of the Transvaal, and by no means represented their wishes. What they desired from me [the High Commissioner] was friendly co-operation in obtaining the object of their visit to England, "justice to their country," which after some hesitation they defined to mean, "that the act of annexation should be cancelled, and that the national independence and the Flag, which was its symbol, should be restored." †

The promoters of the petition themselves complained "that the Boers generally decline to sign the petition, on the ground that it does not go far enough, inasmuch as whilst asking for a change of our local administration, it still supports the supremacy of the British Flag." ‡

On the eve of the War for Independence, a fierce Loyalist, a Mr. White, in the Legislative Assembly at Pretoria (the members of this assembly being nominated by the Administrator) moved—"That the Government of this Province, as at present constituted, has failed to secure the confidence or the support of its inhabitants;" and "that a representative form of Government is desirable and has become necessary to ensure the re-establishment of confidence and to secure the support of the inhabitants of the Transvaal." But this, too, was an Uitlander resolution. The Boers had nothing to do with it. The Boers "spurned the boon," as the Attorney-General phrased it in reply to Mr. White: "time after time," he said, "had the Government offered the boon [of "representative institutions under the Queen"] to the people of the country; time after time had the boon been spurned." And he then added, with that unconscious touch of humour which so often

* C. 2144, p. 143.

† Ibid., pp. 145, 146.

‡ Ibid., p. 175. In view of more recent events it is of interest that the large majority of the signatures to this Uitlander Petition were proved to be fictitious and that, on this occasion, they were so declared by the British authorities.

appears in the speeches of British officials in South Africa :
“It was now the turn of the people of the country to ask for it”! *

British statesmen, however, appear to have based their opinion in regard to the attitude of the Boers at that time, not upon facts, but upon “reason”—thus: All peoples, if their secret thoughts were known, would like to be governed by England; consequently, the Boers would like to be governed by England; consequently, when the Boers, from 1877 until 1880, asserted the contrary, they did not mean what they said; but as the Boers probably had some motive for saying what they did not mean, and as it is evident that they might have complained, if it had happened to be a matter that interested them, that Shepstone’s promises had not been kept, it therefore follows, finally and incontrovertibly, that the Boers took up arms in 1880, not for the reason that they alleged, namely, love of independence and dislike of British rule (the latter being unthinkable and therefore impossible), but because, in the words, alas! of Mr. John Morley—because of “the failure to carry out promptly and effectually the promises that both Governments, both Liberal and Conservative, had made, that they should have representative institutions.” †

Some people would describe the fundamental hypothesis upon which this “reasoning” is based as an evidence of astonishing national egotism; but the truth seems to be that such a judgment would be too severe, and that the aberration arises from a lack of imagination which makes it impossible for most Englishmen to put themselves in the place of others. It is this fatal defect in the mental make-up of the average Briton that has caused most of the trouble in South Africa, and that will cause much more in the future.

* C. 2783, pp. 28, 37.

† Speech of June 7, 1902. *London Times* of June 9, 1902.

In the abstract, Englishmen are aware that a race which for long lies powerless beneath the heel of a conqueror becomes untruthful, servile, and inferior. Ask them what they would do if England were to be conquered by some foreign power, such as Germany, and if this foreign power were to annex their country and were to hold it by armed force: would the people of England be soothed and reconciled to alien rule by the grant of a minority representation on some Legislative Council, with a promise that if they behaved themselves like good children they would ultimately be allowed a form of Home Rule under the beneficent shadow of the German flag? Englishmen would say: No. Ask them if they would be troubled, in those circumstances, if German politicians and newspapers were to declare that nothing but criminal obstinacy, personal ambition, or foreign intrigue could account for continued opposition to German control? Englishmen would again say: No. They would probably go further, declaring that it would be the duty of their leaders to keep alive the aspirations of the rank and file of the people, even if, by doing so, they were to sacrifice, for the moment, the commercial prosperity of their country. A host of reasons would be given: it might be said that such leaders, if worthy of the name, would know that a condition of dependence is enervating, materially, mentally, and morally, and that once independence were recovered, prosperity would increase a thousand-fold. Apart even from honour, sentiment or other motive, they would know that independence is in truth a "commercial asset" of the utmost value. National independence gives self-reliance, enterprise, energy, and a sense of responsibility. Without these qualities no nation can be really prosperous. Instances would be given from history.

In short, a volume might be filled with the reasons Englishmen would bring forward to show why it would be

their duty to throw off German rule, if that rule were to be imposed upon them. But ask them next to put themselves mentally in the place of the Boers, and they can conceive of nothing but satisfaction at the thought of being British subjects! They seem to have reached the limit of their imagination. It is not surprising, therefore, that the explanation of Boer discontent with the annexation, advanced by General Wolseley and endorsed by Mr. Morley, is that which has almost universally been accepted in England.

Nevertheless, reverting to the sequence of events, it is not necessary to suppose that General Wolseley, when called upon to govern the Boers, personally lacked imagination. He may have been the victim of local officials. In any case, after having prescribed an Executive Council and a Legislative Assembly as a palliative, he attempted to cure the eruptive conditions with which he had to deal by "stamping," as he imagined, "a universal impression of the absolute finality of the act of annexation and of the utter futility and impotence of any further affectation of rebellion." * With this in view he issued proclamations and he made speeches, none of which produced the slightest effect, because the Boers believed that "nothing is settled until it is settled right," but which must be noticed, nevertheless, if only as the advance "shadows" of much that was to be said and proclaimed thereafter.

'I do hereby proclaim and make known,' he announced on the 29th of September, 1879, 'in the name and on behalf of Her Majesty the Queen, that it is the will and determination of Her Majesty's Government that this Transvaal territory shall be and shall continue to be for ever an integral portion of Her Majesty's Dominions in South Africa.' †

* C. 2482, p. 341.

† Ibid., p. 342.

Much to his surprise, this proclamation did not work a miracle. He confessed as much—differing, in this, from some other British Generals ; though his confession, which was contained in a despatch to Sir M. Hicks Beach, was at best but tacit, and in any case was kept private for eighteen months, until April, 1881, when the war had made it impossible any longer to mislead English and European public opinion. Then, for the first time, it became known that on October 29, 1879, after his proclamation had had four weeks in which to take effect, he had written :

‘I regret to inform you that the attitude of the Boers in the Transvaal appears to me to have assumed a serious aspect. . . . I understand it was the opinion of Sir B. Frere, expressed on more than one occasion, that the majority of the inhabitants of the territory were favourable to the annexation. I regret to say that I can see no ground for such a belief.’ *

However, presumably to make them more favourable, he soon returned to the charge with a speech. As Governor of the Transvaal, at a public dinner given to him by the “loyalists” in Pretoria (December 17, 1879), he declared that the Boers were shockingly ignorant—so ignorant that some of them actually imagined that the annexation might be undone:—

‘I think that if the ignorance of the Transvaal Boers be called in question, nothing could be more convincing than . . . the manner in which they have been persuaded by the few designing men who lead them, that there is a chance of this country being given back to the former miserable state of affairs. I do not attribute this folly to anything else than the result of their education. I am told that these men are told to keep on agitating in this way, for a change of Government in England may give them again the old order of things. Nothing can show greater ignorance of English politics than such an idea ; I tell you there is no Government, Whig or Tory, Liberal, Conservative, or Radical, who

* C. 2866, p. 189.

would dare, under any circumstances, to give back this country. They would not dare, because the English people would not allow them. . . . The same thing recurring again which existed before would mean danger without, anarchy and civil war within, every possible misery; the strangulation of trade, and the destruction of property. Under no circumstances whatever can Britain give back this country.*

Immense applause, of course, from his English hearers; but it does not appear that the Boers, whom he was supposed to be governing, were greatly impressed. For the Boers, three or four days before he made this speech, had once more assembled in mass-meeting at Wonderfontein, to the number, on this occasion, of some 6,300 men, and Sir Garnet Wolseley's contemptuous but vehement asseverations in no way affected the course of action upon which they had then decided. Openly hoisting the flag of the Republic, they had declared (December 15th), by formal resolution that:

'The time for memorials to the English Government is past; in that way no deliverance is possible. The officials of Her Majesty the Queen of England have, by their untrue and false representations, closed the door to Her Majesty and to Parliament. . . . We cannot, therefore, address ourselves further to England; nobody there replies to us. It is, therefore that we, the people of the South African Republic, proceed to resolve:

'(1) That the people of the South African Republic have never been and do not wish to be Her Majesty's subjects, and every one who speaks of us as rebels is a slanderer.

'(2) That the people desire that the Government of the South African Republic, whose functions have been stopped, shall resume the same as soon as possible.

'(3) That the people desire that the Volksraad shall be convened as soon as possible.' †

A copy of these and of the other resolutions passed at the meeting was sent to General Wolseley by the chairman, Mr.

* C. 2505, p. 112.

† *Ibid.*, pp. 117, 118; and compare the *Staatscourant gedurende den vrijheidsoorlog van 1881*, and C. 2366, p. 173.

M. W. Pretorius, and the secretary, Mr. Bok. During the first week in January, 1880, both these gentlemen were arrested on a charge of high treason.* After some delay, bail was accepted for £3,000 in each case, the accused being bound over "to answer to any indictment that shall be presented against him for the crime of high treason" within six months.†

General Wolseley was jubilant.

'I think,' he wrote, 'there is every reason to be satisfied with the effect produced by those arrests upon the political condition of this territory. . . . As a consequence of the conviction thus established of the unyielding resolution of the British Government, there is, I believe, a growing desire, certainly amongst the more intelligent, and probably amongst the majority of the malcontents, for the conclusion of the agitation which is now beginning to appear to them as a fruitless and dangerous trouble.'‡

A month later (April 10, 1880) he was even more positive, virtually withdrawing his probably unwelcome despatch of the previous October: "Reports from all quarters of the Transvaal," he declared, "sustain the opinion that the people . . . have determined to renounce all further disturbing action and to return to the peaceful cares of their rural life."§

No one can doubt that when Sir Garnet Wolseley was not insulting the Boers, he did his best to conciliate them, or in any case their leaders. He had many salaried posts at his disposal, and these he offered as inducements to them to abandon the cause of their people. Even Mr. Pretorius, with the charge of high treason hanging over him, was approached in this way, being urged personally by General Wolseley to accept a seat on the Executive Council.||

* C. 2505, p. 138.

† C. 2584, p. 194.

‡ Ibid., pp. 190, 191.

§ C. 2676, p. 32. The Boers, at that time, were hoping for the return to power of the Liberals, in the expectation that the Liberal leaders, in spite of their return to power, would adhere to Liberal principles.

|| C. 2676, p. 35.

But the Boer leaders were not to be turned from their duty, nor was the perseverance of their followers to be shaken. Again and again it was stated, authoritatively and irrevocably, by Sir Bartle Frere, by Sir Garnet Wolseley, and by special cablegram from the Secretary of State, Sir Michael Hicks Beach,* that Great Britain would not withdraw from the country. Mr. Gladstone, who had unsparingly condemned the annexation during his Midlothian campaign against Lord Beaconsfield's administration,† and who, by so doing, had aroused a passion of gratitude and of hope among the Boers that they might yet recover their rights as a free gift from the Liberals of England, reversed his judgment as soon as he came into office (April 28th), probably being led to do so by misleading "official" information then supplied to him by the permanent officials at the Colonial Office. He caused the Earl of Kimberley to cable on May 12th "that the sovereignty of the Queen over the Transvaal could not be relinquished."‡ In reply to a personal letter from Messrs. Krüger and Joubert stating that the people of the Transvaal still adhered to the resolutions of December, 1879; that they had left matters in the hands of the Government then constituted by them, and that they were at rest, not because they were satisfied, but because, knowing what they wanted and what they had resolved to do, they could afford to wait—Mr. Gladstone wrote (June 8, 1880): "It is impossible now to consider that question as if it were presented for the first time." Obligations had been contracted, and so forth. Consequently "our judgment is that the Queen cannot be advised to relinquish Her Sovereignty over the Transvaal."§

* C. 2584, p. 208.

† Mr. Gladstone is reported to have said at Peebles on the 1st of April, 1880 "Moreover, I would say this, that if those acquisitions [Cyprus and the Transvaal] were as valuable as they are valueless, I would repudiate them, because they are obtained by means dishonourable to the character of our country" (Hansard, vol. cclvii. p. 1139; quoted by Mr. Chaplin in the House of Commons, January 21, 1881).

‡ C. 2586, p. 12.

§ C. 2676, pp. 46a, b.

Even this did not discourage the Boers. It disappointed them profoundly, but, for the rest, with the exception of Mr. Krüger, who still retained some hope of a peaceful solution, it simply convinced them finally that peaceful means had failed and that they would have to fight for their independence or live as a subject people. From that moment they quietly waited their opportunity—so quietly that Sir Owen Lanyon committed himself to the statement (June 26th) “that a considerable change for the better in the feelings of the population generally has taken place since the receipt of your Lordship’s [the Earl of Kimberley’s] telegram, announcing that Her Majesty’s sovereignty over the Transvaal could not be abandoned . . . the Landdrosts generally report to the same effect.”*

At last, in December, 1880, the Boers took decisive action. The Volksraad of the old Republic was convened at Paardekraal, and Messrs. S. J. P. Krüger, M. W. Pretorius, and P. J. Joubert were appointed as a Triumvirate to carry on a provisional Government. The three leaders at once issued a Proclamation in which the events leading up to the crisis are fully set forth—not as clearly as might be, in the abominable translation given below, which was not their work, however, but that of a translator on the staff of the *Cape Times* who seems to have taken a monkeyish delight in misrepresenting them by putting their good Dutch into confusing English.†

After giving the terms of the Sand River Convention, and a record of the facts in connection with the Annexation of 1877, with copies of the protests then issued by the President and by the Executive Council, this Proclamation states :

* C. 2876, p. 64.

† Reproduced in C. 2794, pp. 3–8, from the *Cape Times* of January 6, 1881, and quoted here for the reason that it is the English official version.

'12. Three and a half years have since that time passed, and the people have behaved quietly, always contending that they were a free people, and no subjects of Her Majesty, in the confidence that Her Majesty's Government would subject the actions of Her officials to a serious consideration; and meantime, out of regard for its laws, co-operating with the Government *pro tem.*, to honour these laws, faithfully attending, as for instance as jurymen, to further the application of the laws.

'13. This leniency of the people has been badly rewarded. Two deputations sent in 1877 and 1878 to England have been well received, but not been allowed to lay before Her Majesty's Government the subject of annexation.

'14. When, after the commencement of the unjustifiable Zulu war, which war might easily have been avoided, the High Commissioner, Sir Bartle Frere, visited our country, this high official tried to persuade the people to desist from its resistance, but in vain. A camp of more than 4,000 burghers sent its representatives and His Excellency was necessitated to acknowledge openly that the objections of the burghers [to the annexation]* was more general than was represented to him by the officials, and that the leaders of the movement were the best and most principal people of the country.'

And so on, with a brief outline of the events leading up to the meeting of the people in December, 1879, at which it was resolved to hold a further meeting in April, 1880.

'20. The meeting announced in these resolutions has been delayed, as we trusted that by a deputation to the Cape Colony the threatening danger of a Conference, the precursor of a Confederation of all Colonies in South Africa, where our interests would for ever have been neglected, might be averted. This deputation has done good, and established in South Africa the conviction that no Conference is possible without the injury done to us being first repaired.†

'21. Meantime, the peace observed by the people has been con-

* For some reason, best known to the translator, or perhaps to the compiler of the Blue Book, the words "tegen de annexatie"—to the annexation—are ignored in this version.

† Sir Bartle Frere, in Cape Colony, had done his utmost to obtain the consent of the Cape Parliament to some measure of Confederation. With this in view he had suggested, through Mr. Sprigg, that a Conference should be held to consider the matter. The Cape Parliament declined to accept the proposal. Explaining this refusal to the Earl of Kimberley, Sir Bartle admitted, probably without meaning to do so, that the annexation of the Transvaal, which, it had

tinually and purposely misrepresented. The people had decreed to pay its taxes only under protest of [should be "or"] by force, whilst the Government for the time being has thought well to write to England that the people were satisfied and paid their taxes.

'22. Upon these statements the English Parliament, in September last, has allowed the matter of the annexation to pass unchallenged, because Her Majesty's Government declared that the Administrator reported the opposition of the people abating, and that they paid their taxes.

'23. Deceived by such reports from Pretoria, His Excellency Sir Pomeroy Colley, [who had succeeded Sir H. Bulwer as] Her Majesty's Governor at Natal, no later than the 19th October, 1880, declared at the opening of the Legislative Council in that Colony, that the movement in the Transvaal was apparently settling, that everywhere law and order reigned, and that the taxes were paid by natives as well as the white inhabitants.

'24. Indescribable was the anger of the people when they saw that, purposely and wilfully, the truth was obscured by the authorities in Pretoria, and that the unwilling and extorted payment of taxes was used as a weapon against the people.

'25. Immediately the people gathered, and from all sides declarations were signed by the burghers, that they should either pay no longer taxes, or alone under protest, exercising thereby their rights as an independent people that may be silent for a time but reserves its rights.

'26. This declaration was printed in the newspapers, and the Government in Pretoria, afraid, doubtlessly, that now the untruth of its information should come to light, has crowned its work of tyranny by prosecuting criminally for the publication of seditious writing the editor of the paper which published those declarations. The liberty of the Press was a thorn in the sides of the Government *pro tem*.

'27. The unwillingness of the people to pay taxes led to small collisions. Yet everything was still done by the leaders of the people

been thought, would insure Confederation, had really made that step impossible. "The objections to the Conference," he wrote, "raised by *soi disant* friends of the Transvaal, were mainly the result of the impression made on Dutch constituencies by the arguments of the Transvaal delegates, Messrs Krüger and Joubert, who, whilst advocating, as a general question, closer union with the Cape Colony, urged their countrymen in this colony to withhold their sanction from any steps calculated to bring about such union, till the Transvaal independent Republic was restored. . . . The result was to put pressure on the members representing Dutch constituencies, to defer the question of a Conference; and, for this session at least, an effectual stop has been thus put to any proposal for a conference coming from the Cape Colony" (July 6, 1880; C. 2655, p. 96).

to prevent a public disturbance of the peace. With the full approval of the Colonial Secretary and Mr. Krüger it was decided to try whether the people's meeting, which was near at hand, could not effect the peaceful solution of the difficulties.

'28. Then the Government at Pretoria has thought it well in contradiction to this agreement between Mr. Hudson, the Colonial Secretary, and Mr. Paul Krüger, and two days before the meeting, to publish a proclamation, which leaves us no choice between being treated as rebels or exercise our eternal rights as a free people.

'29. We have decided, and the people has shown to us our path. We declare before God, who knows the hearts, and before the world, any one speaking of us as rebels is a slanderer! The people of the South African Republic have never been subjects of Her Majesty, and never will be.

'30. We therefore return to the protest of the Government referred to above, and declare that on our part the last means have been tried to ensure the rights of the people by peaceful means and amicable arrangements.

'31. We therefore make it known to everybody that on the 13th of December, 1880, the Government has been re-established. Mr. S. J. P. Krüger has been appointed Vice-President,* and shall form with Messrs. M. W. Pretorius and P. Joubert the Triumvirate that shall execute the Government of the country. The Volksraad has recommenced its sitting.

'32. All inhabitants of this country who will keep themselves quiet and obedient to the laws shall stand under the protection of the laws. The people declares to be forgiving to all burghers of the South African Republic who by circumstances have been brought to desert for the time being the part of the people, but that it cannot promise to extend this forgiveness to those burghers of the South African Republic who assume the position of open enemies to the people, and continue to deceive the English Government by their untruthful representations.

'33. All officials who serve the Government now, and who are able and willing to serve under the altered circumstances of the country, shall have a claim to retain their places and such advantages as their positions now afford to them.

'34. To the English Government the right is reserved to maintain in

* The word translated here as "appointed" is "*opgetreden*" in the Dutch original. This means "has resumed his duties" as Vice-President, which expresses the fact, while "appointed" does not: for Vice-President Krüger had been appointed before the annexation, and, in the opinion of the Boers, he had never ceased to occupy that position, although circumstances had debarred him from exercising his authority.

our country a Consul or Diplomatical Agent to represent the interests of British subjects.

'35. The lawful expenditure lawfully incurred for the necessary expenditure during the interregnum shall be confirmed.

'36. The differences over boundaries of natives shall be submitted to arbitration.

'37. For the native policy the Government is prepared to accept general principles to be decided upon after deliberation with the Colonies and States of South Africa.

'38. The Republic is prepared to confederate with the Colonies and States of South Africa.

'And, finally, we declare and make known to all and everybody that from off this day the country is declared to be in a state of siege and under the provisions of martial law. Signed by the Triumvirate and by W. E. Bok as Acting State Secretary. Dated at Paardekraal, Pretoria, 16th December, 1880.'*

The seat of Government was established at Heidelberg, and there, on the 16th of December, "Dingaan's Day," the flag of the Republic was hoisted.

On the same day the fighting began.

To the very last the old dogma, that the opposition of the Boers to British rule was fictitious, was maintained by the Imperial officials. Writing to Lord Kimberley on December 5, 1880, Sir Owen Lanyon, the Administrator of the Transvaal, referring to an interview between Mr. Hudson, the Colonial Secretary, and Mr. Krüger, declared that—

'The report of the interview serves to prove what I have already pointed out, that neither the leaders nor the people know what they

* In his controversy (1900) with Professor Mommsen, already referred to (see *supra*, footnote on p. 198), Professor Max Müller, of Oxford, dealing with the annexation of 1877 and with the War for Independence, makes the following astonishing statement: "The Boers soon became discontented . . . ; they declared themselves free from the *convention* [!] *made with Sir Theophilus Shepstone*, and pronounced their sovereign independence under the triumvirate of Pretorius, Krüger, and Joubert" (p. 8). Professor Max Müller's pamphlet was issued under the auspices of the Imperial South African Association, an English branch of the South African League!

want further than that they object to pay taxes, or to be subordinate to the laws of the State' [—an assertion contradicted absolutely by his next sentence:]

'A re-perusal of the former reports of interviews between officials and these people will show that the arguments now used by Mr. Krüger are the same as those advanced on every similar occasion since the annexation, now three years and eight months ago.' *

Those who have read "the former reports of interviews between officials and these people" can judge for themselves whether those reports prove that the Boers did not know what they wanted!

Again, on December 4th, Sir Owen Lanyon wrote to General Colley: "I shall be very much surprised if they [the Boers] do anything openly." And on December 11th, also to General Colley: "They [the Boers] are incapable of any united action, and they are mortal cowards, so anything they may do will be but a spark in the pan." †

After the fighting had been going on for several weeks the Administrator, shut up in Pretoria, still maintained that the outbreak was a mere spark in the pan. In a rancorous despatch, dated February 1, 1881, attempting to excuse himself for not having foreseen what had happened, he declared that "many of them do not even know why they are fighting"! ‡ How he knew that they did not know, he omitted to say.

One remark in his despatch, however, is instructive as showing that not only does it appear to be impossible for British officials to understand the Boers, but that many British Colonists of really wide (superficial) experience are just as easily misled and are just as apt as officials to give misleading information in regard to the intentions of their Dutch neighbours.

'Many who were best able to diagnose the feelings of the people were of opinion,' the Administrator declared, 'that no outbreak was to be

* C. 2783, p. 20.

† Butler, pp. 267, 268.

‡ C. 2891, p. 7.

expected, and as a proof of this I may mention that Mr. Johnston, the manager of the Standard Bank . . . felt so certain that there would be no trouble or disturbance that he sent [money and bullion] . . . which passed within half an hour's walk of the place of meeting. Mr. Johnston has been all his life in South Africa, speaks the Dutch language, and is thoroughly conversant with the Boer character [?]. No one was in a better position or more qualified to gauge the feelings of the people, but nevertheless he had no idea of the course affairs were about to take, for I was in frequent communication with him on the subject.' *

Sir Theophilus Shepstone was equally at fault. In a letter to Lord Kimberley, dated December 26, 1880, General Colley says :

'Three weeks ago a loyal Boer from Utrecht came to see me, and the earnestness of his convictions that there was real danger abroad made such an impression on me that I asked Sir T. Shepstone to meet him and talk it over with me ; but, after hearing what he had to say, Sir T. only laughed, and his perfect conviction that nothing but tall talk was meant, and that they had practised on the timidity of the well-meaning old Boer, went far to prevent my attaching importance to his warnings.' †

General Colley had been thoroughly prejudiced and misled, but he was an exceptionally fair-minded man, and was always ready to acknowledge what experience taught him. In one respect at least he found that he had been deceived. Told that the Boers were "mortal cowards," he wrote, two days after his repulse at Laing's Nek, in a letter to General Wolseley :—

'I must say [the Boers] were no cowards, exposing themselves freely to artillery fire, and coming boldly down the hill to meet our men.' ‡

And again, in a letter to the Secretary of State for War, dated February 1, 1881, he wrote :—

'I must do my adversaries the justice to say that they fought with great courage and determination. A good deal of the fighting was at

* C. 2891, p. 5.

† Butler, p. 274.

‡ Ibid., p. 290.

short ranges of 20 to 100 yards, and the Boers showed no fear of our troops, but rather advanced to meet them.' *

Unfortunately—and the Boers sincerely regretted his death—General Colley did not live to realise how he had been deceived in other respects concerning his adversaries. But that which he could not contradict from a sufficiently long experience—the absurd pretence that the majority of the inhabitants favoured British rule—was dealt with summarily in April, 1881, by the British Royal Commission appointed “to inquire into and report upon all matters relating to the settlement of the Transvaal Territory.” That Commission declared that “no sign of a want of unanimity could be detected amongst the people lately in arms. A minority—though a small minority—there was, undoubtedly, in the country,” that desired British government. “But it was evident that these dissentients were too weak effectually to influence the popular verdict.” †

Strange, in view of this decision and of the facts on which it was based, that so few people in England have criticised the capacity of the Commissioners and High Commissioners, Administrators and Generals, Secretaries of State and Under Secretaries, who, for three and a half years, asserted unanimously and unceasingly that which was so absolutely false—that the majority of the Boers, and certainly the majority of the inhabitants of the Transvaal, had willingly become and were anxious to remain the subjects of the British Empire.

* C. 2866, p. 94.

† C. 3114, p. 15. See further on this subject in Chapter XXI., *infra*.

CHAPTER XVIII

THE WAR FOR INDEPENDENCE

THE British Parliament reassembled shortly after the commencement of the war. On January 6, 1881, the Queen's Speech contained the following statement :—

‘A rising in the Transvaal has recently imposed upon me the duty of taking military measures with a view to the prompt vindication of my authority ; and has of necessity set aside for the time any plan for securing to the European settlers that full control over their own local affairs, without prejudice to the interests of the natives, which I had been desirous to confer.’*

In the House of Commons, on January 21st, it was moved by Mr. Rylands :—

‘That this House is of opinion that the annexation of the Transvaal was impolitic and unjustifiable, and would view with regret any measures taken by Her Majesty's Government with the object of enforcing British supremacy over the people of the Transvaal, who rightly claim their national independence.’†

This motion was opposed by Mr. Gladstone, who declared—according to a summary of his speech which was cabled to the Cape Town newspapers :—

* Hansard, vol. cclvii. p. 4. In C. 3114, p. 242, a version of this speech is given which reads, “full control over their own local affairs, which I *am* desirous to confer.”

† Hansard, vol. cclvii. p. 1109.

‘That though the annexation at the time was undesirable, the reversal was impossible.’*

Of the doings of the British Parliament, however, the Boer Triumvirate knew nothing. Nor, as it happened, would such knowledge have enlightened them. And in any case they were busy. On December 23rd they had had occasion to issue a second Proclamation,[†] announcing that they had sent a patrol to Potchefstroom to have their first Proclamation printed, and that this patrol—

‘Entered the town without resistance, and conducted themselves peaceably, as shown by the following telegram from Sir Owen Lanyon to the Governor of Natal, intercepted by us at Heidelberg: “Pretoria, December 16th.—A strong body of armed Boers were at Potchefstroom when the post left yesterday, but only a portion of them entered the town and behaved quietly.”’

The Proclamation then stated that on the evening of the 15th, Major Clarke, who was in command of the troops in the town, planned—

‘A treacherous and murderous assault, not only upon the armed burghers of the patrol, but also upon the exposed town and its inhabitants, including women and children. These measures must have been cunningly prepared that evening, because it is a fact that some families, favouring the English, were that evening allowed to come to the entrenched camp of the troops.’

On the following day,

‘A small patrol of burghers, eight men strong, rode round the village, and on approaching the camp were, without any summons, fired upon by 18 mounted men from the camp with the result that one of our burghers was wounded.’

The English declared subsequently that a burgher had fired the first shot; but, however that may have been,

* C. 3114, p. 242.

† C. 2794, pp. 9–11.

there can be no dispute as to the next step in the proceedings, for Boers and Britons agree. Turning for a moment from the Proclamation of the Triumvirate to an official report drawn up soon afterward by an English non-commissioned officer, a message which he quotes in the course of his account, fully confirms what the Boers have stated. This message was from the Colonel in command of the British camp outside the town. It was received by signal at the Landdrost's office, where some 35 men were stationed under Major Clarke. "*Any Boers appearing in the square to be fired on,*" it said.*

The English report continues :

'Windows were barricaded with sandbags. Shortly afterwards we saw two Boers riding as hard as they could from the direction of the camp; these we allowed to pass. Almost immediately afterwards a party of about 100 rode into the market square, the order was given to fire a volley, and several horses and men rolled over, but they removed their dead so quickly that it was impossible to say how many were killed and we were laughing so much at the way they ran off, no one thinking they would really fight us. But they only rode off to take shelter behind walls, and in houses all round us, and then kept up a very heavy fire on us until dark.'

Meanwhile, to return to the statements of the Boer Proclamation, the camp commenced bombarding the village with shell. Two days later Major Clarke and his men in the Landdrost's office surrendered, but, according to the Proclamation, in spite of the fact that Colonel Winsloe, in command of the camp, was notified that the fighting in the village had ceased, the bombardment of the defenceless place was continued at intervals.

The Proclamation then announced the result of the fight at Bronkhorst Spruit, speaking in the highest terms of the courage shown by the English troops, and saying

* C. 2866, p. 161.

that "honour is due" to such an enemy as the Colonel in command of them.

Finally it said: "We are thus at war. A war of self-defence, thrust upon us, but never declared by us . . . the God of our fathers, who has been with us till now, will remain with us."

Needless, here, to describe the course of the war, or the fight at Laing's Nek on January 28, 1881; at Ingogo Heights, on February 7th; at Majuba, on February 27th, when General Colley so unfortunately met with his death. But certain phases of the war, which have been used for political ends, cannot be passed in silence. As every one knows, the Boers on the whole got the best of such fighting as took place, and perhaps for that reason—though the battles of that war were little more than skirmishes—English writers, almost without exception, have hastened to accuse their enemy of treachery and worse in the conduct of the campaign.

This howl of perfectly foolish slander was raised immediately after the fight at Bronkhorst Spruit, and evoked from General Sir G. Pomeroy Colley a protest that will always be remembered by the Boers in his honour, all the more so in comparison with the strikingly different attitude adopted by some of those who subsequently commanded British troops in South Africa. Referring to this protest in a letter to Lord Kimberley, dated December 26, 1880, General Colley said:

'I am issuing a general order to try and check the violent revengeful feeling which, unfortunately, is almost sure to spring up in such a war. I know "war cannot be made with rosewater," and I am not much troubled with sentiment when the safety of the troops is at stake, but I hate this "atrocious manufacturing" and its effects on the men, tending to make them either cowards or butchers.' *

* Butler, p. 273.

In the same spirit the Acting-Governor of Cape Colony, Sir G. C. Strahan, in a despatch to Lord Kimberley—that must have made Sir H. Barkly writhe—foreshadowed a warning that reached the Colonial Office some years later.

‘I ought to say,’ he wrote on January 4, 1881, ‘that many of the reports which reach Kimberley, and appear in the public prints of the Colony as to what is going on in the “Keate Award” territory or in the Transvaal, are greatly exaggerated, indeed in some cases have no foundation whatever of fact, and that all must be received with caution.’ *

The way in which the Boers are known to have treated the British wounded and the prisoners should have made slander too ungrateful a task for the most virulent anti-Boer. Thus, Colonel Anstruther, lying wounded after the fight at Bronkhorst Spruit, reported that the Boers—

‘Offered to get us everything they could for our comfort, and it was not a hollow promise. Every day they come in numbers, bringing milk, butter, eggs, bread, apricots, etc., and if a man goes to any of their farms they at once, without payment, give him anything he wants.’ †

Commodore Richards, reporting to the Admiralty as to the work of the Naval Brigade at Majuba, stated that :

‘The wounded men speak in high terms of the kindness of the Boers towards them after the conflict was over.’ ‡

Colonel Herbert Stewart, specially commissioned to report upon the condition of the prisoners in the hands of the Boers, wrote (March 29, 1881) :

* C. 2783, p. 73.

† C. 2866, p. 144.

‡ C. 2950, p. 88 ; compare *supra*, footnote on p. 56.

'I went to the camp [at Heidelberg] where the men were located and made the most careful inquiries. No camp could have been more comfortable, and I was assured on all hands that nothing but kindness had been experienced at the hands of the Boers. The rations issued to the men were liberal in the extreme, and were described to me as being "as much as they liked." No complaint of any sort was forthcoming. . . . I proceeded to Bronkhorst Spruit. . . . I saw all the prisoners and spoke to every man individually. Here also I found that the same kindness and attention had been shown to the prisoners as at Heidelberg, and that all were more than satisfied with their treatment.'*

However, in face of facts such as these, and in spite of Sir G. C. Strahan's warning and of General Colley's protest; in spite, too, of General Sir Evelyn Wood's rather grudging admission, after the war, that the Boer leaders had "carried on a war with humanity and good feeling which has been seldom surpassed in Europe,"†—the battered remains of atrocities manufactured then, are still made to do service by writers such as Sir Percy Fitzpatrick, who, eternally harping on "Boer barbarity," use these ancient Edgar cases to defame the Dutch of South Africa in the estimation of Europe and America. For that reason—and because people do not always realise that such allegations, even if true, could no more dishonour the Boers as a race than the deeds of "Jack the Ripper" can prove that the average Englishman is a murderer—it is necessary to show once more how baseless these accusations are.

BRONKHORST SPRUIT.

In the case of Bronkhorst Spruit, Sir Percy Fitzpatrick supplies an account of the fight according to which the attack of the Boers "was a deliberately-planned ambush

* C. 2950, p. 158.

† C. 3219, p. 9; at a meeting of the Royal Commission on April 29, 1881.

to entrap men *who had no idea that they were marching in an enemy's country*," and he emphasises the insinuation of treachery by remarking that "the news of this affair was received with horror, and the feelings roused by the details of it have never been allayed." * Mr. Chamberlain, who rewarded Fitzpatrick for his indictment of the Boers, including the above reference, by conferring upon him what is sometimes described as the honour of knighthood, may have forgotten his own earlier declaration on this subject. Speaking in the House of Commons on July 25, 1881, and referring to the position of affairs at about the time of the opening of Parliament in January of that year, he said—

'Information had been received that the detachment of the 94th Regiment has been cut off; there were allegations of treachery which subsequent inquiry had shown to be utterly devoid of foundation.' †

The truth is that instead of the British force having "no idea that they were marching in an enemy's country," Colonel Anstruther, who was in command, and who had been directed to march from Lydenburg with two hundred and sixty-four men of the 94th regiment to reinforce the garrison at Pretoria, was twice warned by his superior officer that he might encounter armed opposition on the road. As he did not believe, however, that the Boers could fight even if they wanted to, he ignored these warnings and the explicit instructions he had received "to send forward his Native followers, etc., to reconnoitre over the hills before advancing," ‡ and, consequently, he came to grief.

This is Sir Owen Lanyon's version of the affair in a letter to General Colley dated December 21, 1880:

* Fitzpatrick, p. 32.

† Hansard, vol. cclxiii., p. 1821.

‡ C. 2783, p. 81; Colonel Bellairs to the Deputy Adjutant-General.

'This morning we received very bad news of the 94th. They had been ordered to concentrate on here, but through the want of transport they were unable to leave till the 3rd instant. . . . Owing to the wet weather they got on very slowly, and so Colonel Bellairs *sent a second time to warn him (the Colonel of the 94th) to be careful in guarding against a surprise. This letter he acknowledged*, but unfortunately he did not take action thereon, for he was attacked by the Boers, etc.*'

And this is the warning, dated from Pretoria, December 15, 1880, actually sent by Colonel Bellairs, commanding the "Transvaal District," to Colonel Anstruther:

'Five hundred armed Boers are said to have left the Boer Camp, situated 40 miles from this on the Potchefstroom Road, yesterday; direction unknown. No hostilities have taken place as yet, but caution should be exercised to guard against any sudden attack or surprise of cattle on the march. . . .'

To which Colonel Anstruther replied on December 17th:

'Received your despatch of 15th instant at 6 a.m. this morning. The instructions therein laid down shall be carried out.†'

The Republic had been proclaimed on the 13th of December; hostilities had been commenced at Potchefstroom on the 16th, while the fight at Bronkhorst Spruit did not take place until December 20th.

SURRENDER OF POTCHEFSTROOM.

The siege of Potchefstroom and its ultimate surrender to the Boers seem to have impressed British apologists with the idea that it is necessary to accuse the Boers of

* Butler, p. 269.

† C. 2866, p. 185.

foul play in order to account for a fact that is beyond mere denial. Here, for instance, is Fitzpatrick's statement :

'Commandant Cronje, in defiance of treaty obligations, withheld from Colonel Winsloe and the besieged garrison the news that an armistice had been arranged between the Boer and British forces, and continued the siege until the garrison, in order to save the lives of the wounded and the women and children refugees, were obliged to surrender. It will be remembered that this incident was too much even for Mr. Gladstone, and that on its becoming known after the terms of peace had been settled, the Transvaal Government *were required* by Sir Evelyn Wood to allow a British force to march up from Natal and re-occupy Potchefstroom as a formal acknowledgment of Cronje's treachery.' *

More recently, a British minor poet, echoing his country's delusions, and chanting the honourable achievements of "Lovat's Scouts" during the war of 1899-1902, could not refrain from describing the Boers as "unscrupulous." Called upon by some critic to explain the use of this term, he admits that the "criticism is fair and opportune," and, declaring that he did not use it in reference to any recent event, he falls back upon the popular version of the Potchefstroom surrender :

'I beg to assure him [the critic] that when I used the adjective "unscrupulous" I had in my mind the behaviour of Cronje in 1880 or 1881, when he got the Potchefstroom garrison to surrender by the discreditable stratagem of concealing from them the fact that an armistice had been entered upon between Sir George Colley and General Joubert.' †

This, and Fitzpatrick's statement just quoted, can only mean that when the garrison surrendered they were unaware that an armistice had been agreed upon.

The fact is that the garrison, at the time of the surrender, had known for three days already that an armistice had

* Fitzpatrick, p. 187.

† London *Daily News*, September 24, 1902.

been arranged. At Mr. Krüger's formal request,* the whole matter was inquired into carefully by the British Royal Commission at a meeting with the Boer leaders at Pretoria on June 20, 1881. The capitulation of Potchefstroom had taken place on March 21st; so since that date there had been ample opportunity for the ventilation of every possible accusation. Further, it should not be forgotten that General Sir E. Wood himself was a member of the Commission.

There had been wild talk in Natal to the effect that women and children in the garrison had been treated unkindly by General Cronje, but at the official inquiry nothing of the kind was even suggested. On the contrary, as evidence of the consideration and kindness with which General Cronje had treated his opponents, it was shown "that upon a certain day Colonel Winsloe wanted medicine, and Cronje immediately sent it to him upon his request."† Later, "Colonel Winsloe and all his officers more than once expressed their thanks for the courteous manner in which they were treated. . . . Colonel Winsloe expressly thanked General Cronje, and asked him for his photograph, which Cronje gave him."‡ Would a Colonel in the British army have behaved in this way if the women in his charge had been badly treated?

So far as the capitulation was concerned, the armistice was in no case to begin until the arrival of provisions forwarded to the garrison by Sir Evelyn Wood from Natal:

* C. 3219, p. 71. Mis-statements in the House of Commons prompted Mr. Krüger's request.

† Ibid., p. 78.

‡ Ibid., p. 76. In order to facilitate an exchange of prisoners during the siege, a short truce was arranged. At its conclusion, the Boers sent some fruit for the English wounded, "and some carbolic acid asked for by the surgeon." Lady Bellairs says: "Lieut.-Colonel Winsloe well remarks with respect to this latter pleasing episode: 'We thanked the Boer commander for his thought of our wounded, and so this affair ended. Civilities like these take the sting off warfare, and I must say for the Boers that they were never behind in such things. They are a fine, manly, sturdy race, such as I should like to live among. Who can blame them for fighting for their independence? We, at least, did not do so'" (p. 260).

in the actual words of the armistice, the Boers undertook "equally with the British garrison, to suspend all hostilities for eight days subsequent to the arrival of the provisions." * When the garrison capitulated, the provisions had not arrived—not, however, through any fault of the Boers. At the Inquiry, the President, Sir Hercules Robinson, asked :

“Where were the provisions at the date of the capitulation ?”

‘(Sir E. Wood) “A long way off.”’

‘(The President) “Had they been delayed by Cronje ?”’

‘(Sir E. Wood) “Not at all.”’ †

“Treachery” did not enter even remotely into the matter. All that Cronje failed to do was to notify Colonel Winsloe that, as soon as the provisions arrived (not before), both sides would be required to suspend hostilities ; and he failed in this respect simply because he had received what appeared to him to be contradictory instructions.

In the first place, he received, on March 12th, a communication from Vice-President Krüger, enclosing orders from General Joubert to communicate the terms of the armistice to the officer in command of the British garrison. Cronje immediately set to work to have copies made of the documents he had been told to forward. But then, while this was being done, a messenger arrived with a letter from President Brand of the Free State, also informing him of the terms of the armistice, and stating that the bearer of his letter was to carry personally to the British commanding officer a similar communication, which Brand had entrusted to him and which was sealed. Cronje considered that President Brand’s letter conflicted with the orders he had received from General Joubert. He convened a Council of War, and finding that his officers agreed with him, he decided to refer to Headquarters for further instructions.

* C. 3219, p. 71. The terms are given in full on pp. 296, 297. † C. 3219, p. 78.

But the delay which resulted in no way affected the issue of the siege. At daybreak on the 19th Cronje received a letter from Colonel Winsloe, saying—"It has come to my knowledge that an agreement in regard to an armistice for eight days has been entered into," and giving correctly the terms of the armistice, including the clause which provided for the forwarding of provisions. This led to an interview between the two commanders, at which Colonel Winsloe stated "that he did not ask to be supplied with provisions, because if it came to that he could still hold out for eight days."* Nevertheless, on the 21st of March—three days after he had learned that yet more provisions were on their way to him—Colonel Winsloe agreed to surrender. And it was fortunate for the garrison that he did so, seeing that it was not until the 9th of April that a messenger arrived at Potchefstroom bringing the news that the provisions were near at hand. Accepting Colonel Winsloe's own statement as to the amount of provisions he had on March 20th—enough to last for eight days—the garrison would have been entirely without food for about ten days if they had held out until—with the arrival of the provisions—the armistice had become due!

It will be seen, therefore, that Cronje's delay was at the worst a technical error, to which no moral blame can be attached, and which could not possibly have influenced the fate of the garrison. None the less, the Boer leaders were most anxious to make amends for the error, so much so, that, as soon as they heard of it (April 8, 1881), General Joubert, on behalf of Messrs. Krüger and Pretorius as well as on his own behalf, wrote to Sir E. Wood and *suggested*, on their own initiative, that "the capitulation be considered as cancelled," and that, if Sir E. Wood thought it well, there should be brought "back to Potchefstroom the same military force as the English Government had there before

* C. 3219, p. 76.

the surrender." Sir E. Wood wrote in reply: "I accept, on the part of the British Government, the course you propose." *

Further than this—keeping Fitzpatrick's version in mind—the Triumvirate, on April 29th, *suggested* that two prominent burghers should remain at Newcastle "as guarantees for the safety of the garrison along the road" to Potchefstroom †; while, in the words of Dr. Jorissen at the Inquiry, "we also offered to surrender guns and rifles." ‡

GREEN'S "MURDER."

Still turning to Fitzpatrick for an account of things as they were not, we find him fathering another "atrocious," manufactured out of material even flimsier than that which formed the basis of the Potchefstroom inquiry. Speaking of the evil deeds of the Boers during this war—in order to prove, apparently, that the mine-managers and company-promoters of Johannesburg, many years later, were a persecuted community, and that Great Britain should interfere to reduce the rate of wages on the Rand—he repeats, with the necessary variations, what most anti-Boer propagandists have stated in regard to the death, during the War of Independence, of an Englishman named Green:

'There was the murder of Green in Lydenburg, who was called to the Boer camp, where he went unarmed and in good faith, only to have his brains blown out by the Boer with whom he was conversing.' §

* C. 3098, pp. 5, 6; Sir Michael Hicks Beach, speaking in the House of Commons on July 25, 1881, said: "When, *at the suggestion of the Boer leaders*—and it is a suggestion which did them very great honour—you [Mr. Gladstone] sent a detachment of troops to re-occupy Potchefstroom," etc. (Hansard, vol. cclxiii. p. 1764).

† C. 3219, p. 76.

‡ C. 3098, p. 9.

§ Fitzpatrick, p. 42.

Fortunately, this matter also was inquired into by the British Royal Commission. At a meeting of the Commission on July 6, 1881, Dr. Jorissen repeated a statement that had previously been submitted by the Boer leaders on May 14th, at Newcastle :

‘*Re the death of Mr. Green. We have no official information about this matter, but have ascertained as follows :—Mr. Green and his Kaffir got permission from the Commandant at Lydenburg to go to the gold-fields. The Kaffir went on an errand, but Mr. Green, instead of going where he said, went to the camp of the troops. On his return from the camp, he was caught and ordered to explain his conduct to the commander of the forces, which he refused to do. He jumped from his horse, and tried to escape in the direction of the camp. Orders were of course then given to fire, and he was shot. We cannot refrain from expressing our great satisfaction that the [British] civil authorities have instituted some inquiries into the matter. This inquiry will undoubtedly settle the matter.*’ *

After Dr. Jorissen had reminded the Commission that nearly two months had passed since this statement had first been submitted, Sir E. Wood said :

‘ The civil inquiry has made no progress, as nobody was present when Mr. Green came by his death, except those who were acting under the orders of the Boer military leaders. We know nothing about it beyond hearsay. We have the story of the people in the fort, *but we have no statement from any one who saw him shot.* We should like to hear the Boer account of it.’

‘ Dr. Jorissen : “ You have already had the Boer account two months ago ” [repeated as above].

‘ Sir E Wood : “ Will you be good enough to desire those persons who were present at the shooting to come here and tell us about it ? ” †

Commandant Steyn and Field-Cornet F. J. Marais, who had been in command at the time of the shooting, were accordingly requested to come to Pretoria. Both of them complied with the request. On July 30th, Commandant

* C. 3219, p. 90 ; C. 3114, p. 97.

† C. 3219, p. 90.

Steyn appeared before the Royal Commission and submitted the following report from Mr. Marais :

‘SIR,—In pursuance of your wishes, I have the honour to report to you what happened at the time of the death of Mr. Green at Lydenburg, about the 9th of January this year [1881]. I was as Field-Cornet present at the head of the watch at Lydenburg. Mr. Green came from the town and reconnoitred my position. Then he went to the English camp, and came back about half or three-quarters of an hour afterwards. I at once ordered the men of the guard to arrest him, and told them to bring him to the General at the office in the town. I gave them strict orders not to let him escape, and in case he tried to escape to shoot him. As soon as I had given this order, he exclaimed “No, no, no,” and ran away. There was not the least possibility of taking him alive, because there was a continual fire from the fort. Thereupon one of the men shot at him and hit him above the ear in the head, and he fell dead at once. In the hope that this report will be sufficient for you, I have, etc.’

After this statement had been read, Sir E. Wood asked :

“And Marais is the actual man who gave the order ?”

‘Dr. Jorissen : “Yes.”’

‘The President (Sir H. Robinson) to Mr. Steyn : “Do you know anything about the matter beyond what is in this letter ?”’

‘Mr. Steyn : I can only add this to the report, that the money and the horse belonging to the man were immediately sent to the widow by me.”’

‘Dr. Jorissen then stated : “The Field-Cornet is here in Pretoria.”’

‘The President to Mr. Steyn : “Do you know yourself whether the facts stated here are true ?”’

‘Mr. Steyn : “Certainly, they are true.”’

‘President : “Within your own knowledge ?”’

‘Mr. Steyn : “Yes.”’

‘President : “The Commission wish to express their satisfaction at your having brought the Commandant here, and *the explanation he has given appears to be quite satisfactory.*”’*’

The reason why this inquiry was not pushed further by the members of the Royal Commission probably was that they knew, but did not wish to proclaim, that which Lady

* C. 3219, p. 120.

Bellairs, in *The Transvaal War, 1880-81*, relates so candidly. Describing the siege of Lydenburg Fort, she says :

‘On the 16th, a horseman, riding along the road, holding a white handkerchief, was recognised as an English gold-digger, named Green, and called into the fort. He had been in Lydenburg when the Boers occupied the town, but had now obtained a pass to the Gold Fields to look after some of his property, leaving his wife and children behind. *He agreed to get a telegraphic message conveyed to Delagoa Bay for transmission to England, Mr. Long offering him £100, if successful.* Although advised to remain in the fort until after dark, he preferred leaving before, saying that he should then be more afraid of our men than of the Boers by day. The unfortunate man fell a victim to his over-assurance and imprudence in holding communication with the troops, being taken prisoner on his return by a Boer outpost and shot’ (pp. 313, 314).

It is for the reader, with the above facts and with the verdict of the Royal Commission before him, to pass judgment on the statement that Green “was called to the Boer camp, where he went unarmed and in good faith, only to have his brains blown out by the Boer with whom he was conversing.”

THE CASE OF CAPTAIN ELLIOT.

Two English Captains, Elliot and Lambert, were taken prisoners during the war, but were released on parole on condition that they would at once cross over to the Free State and would take no further part in the hostilities. An escort was to accompany them to the frontier. According to Captain Lambert, their escort fired on them as they were crossing the Vaal River at night, and Captain Elliot was killed. Defamers of the Boers make the utmost of this case. But no one denies that the Boer leaders did their best, in co-operation with the British Royal Commission, to

have the case investigated,* and very few will deny that Captain Lambert, upon whose testimony the whole case rested, was a most unsatisfactory witness. In his first statement on the subject he said:

‘The murder of Captain Elliot, I feel now confident, was owing to the treachery of a few scoundrels, whose object, I believe, was loot, viz., my carriage and horses, and with shame, I must say, I believe and am credibly informed, this foul and treacherous deed was planned and headed by a Scotchman, called “Grahame,” of New Scotland, Transvaal.’†

Not long after he had made this statement, he withdrew it unreservedly, asserting that it had been based upon a chance conversation with a total stranger.‡

But he did not withdraw that part of his statement in which he admitted (1) that he and Captain Elliot, on their way to the frontier, had separated from their escort; and (2) that, before being re-discovered, they had travelled for two and a half days in a direction not specified—*attempting, as most Boers are convinced, to join the British forces in Natal by a short cut*; and (3) that, for these reasons, before the death of Captain Elliot, they had been accused by the Boer authorities of having broken their parole.§

THE BARBER CASE.

During the war, a certain Dr. Barber was murdered in Free State territory, his companion Dyas being wounded.

* C. 3219, p. 51.

† C. 3114, p. 96, quoted as from page 16 of Captain Lambert’s statement.

‡ C. 3098, p. 175.

§ In Captain Lambert’s Report to General Colley he said: “We turned back, and after going a few miles the escort disappeared [!]. Not knowing where we were, I proposed to Captain Elliot we should go to the banks of the Vaal, and follow the river till we came to the proper punt. After travelling all Monday, Tuesday, and up till Wednesday about 1 p.m., when we found ourselves about four hours, or twenty-five miles from Spencer’s Punt, we were suddenly stopped by two armed Boers, who handed us an official letter, which was opened and found to be from the Secretary to the Republican Government, stating that the members were surprised ‘that as officers and gentlemen we had broken our *parole d’honneur*, and refused to leave the Transvaal’ ” (C. 2866, p. 37).

Mr. Rider Haggard makes the astonishing assertion that—"The *actual murderers* were put on their trial in the Free State, and, of course, acquitted." Not content with this, Mr. Haggard suggests "that there exists a certain connection between the dastardly murder of Dr. Barber (and the attempted murder of Mr. Dyas), and Piet Joubert."* Such a suggestion is contemptible; so much so, that it does not call for indignation, still less for refutation.

But as to "the actual murderers" having been acquitted, the facts are that two men were accused, and that the only witness against them was the man Dyas. Dr. Rutherford, who was sent to the Free State by Sir Evelyn Wood to watch the case on behalf of the British Government, reported officially, "that Mr. Dyas' evidence was long, undecided, and conflicting, and as to legal effect much broken down by cross-examination."† The whole case rested on this man's evidence. He was subject to epileptic fits. He had refused to appear as a witness unless he received £30 down, while the accused had on two occasions, *of their own free will*, come all the way from Utrecht in the Transvaal to answer the charge.

Further, at the preliminary examination Dyas had not recognised either of the accused, but had pointed out another man as the murderer. At the trial he failed to recognise this man, and identified the accused.

According to *The Natal Witness* of October 5, 1881, "other evidence was brought forward to prove that Barber had many enemies in the Free State and that he had on several occasions abused the privileges of his profession."‡

The jury consisted of two Englishmen and seven Boers, and they returned a verdict of "Not Guilty" after retiring for less than five minutes.

* Haggard, p. 243. By "Piet Joubert," it should be explained, was meant the Commandant-General of the Boer forces.

† C. 3098, p. 78.

‡ Ibid., pp. 88-90.

Now, if Mr. Haggard's object had not been to malign and defame the whole race of Boers, regardless of the facts, would he have declared that the accused were the "actual murderers" and that they were "of course acquitted" by a Free State jury? And is this what Englishmen describe as "fair play"?

The ex-Administrator of the Transvaal, Sir Owen Lanyon, was more ingenious. He generalised—remarkably, it must be confessed. When the war was over he wrote :

'The Boers were very clever in being kind to our wounded soldiers, for they well knew that such action would obtain sympathy at home. But *where it was impossible for their deeds to become known* their conduct was far from creditable to them' !*

The one crime with which no English writer has dared, for fear of reprisals, to charge the Boers who fought in the War for Independence, is that of having armed the Kaffirs against a white enemy. Mr. Haggard, however, has made an equally reckless assertion :

'The [British] Government of Pretoria,' he says, 'need only have spoken one word, to set an enormous number of armed men in motion against the Boers, with the most serious results to the latter. Any other Government in the world would, in its extremity, have spoken that word, but, fortunately for the Boers, *it is against English principles to set black against white under any circumstances.*' †

Now the Boer leaders complained to the British Royal Commission, on May 14, 1881, that during the war—

'At Pretoria and elsewhere natives were pressed, against their own free will, not only to work but even to bear arms against us, some of whom were wounded and killed in the several skirmishes round Pretoria,

* Martineau, p. 241.

† Haggard, p. 182.

Marabastad, and elsewhere. We always strictly abstained from arming Kaffirs during the late war.*

Sir Evelyn Wood was present, and neither of these statements could be or was contradicted.

"English principles," it appears, are sometimes forgotten in South Africa: or is it possible that in South Africa the Dutch monopolise the principles that in England are described as English? The spirit which animated British officials, during that war in any case, may be gauged by an extract from a letter to Sir Owen Lanyon from Sir Morrison Barlow, who was Her Majesty's Commissioner with the Swazies. This letter was intercepted by the Boers. It was dated December 6, 1880.

'The Boers got it into their noddles,' he wrote, 'that there is a Swazi Impi [army], some thousands strong, on the border waiting for me to give the order for them to rush into the district, slay, burn, and destroy all and everything. *There are few things would give me greater pleasure than to receive such an order.*'†

With that spirit animating them, no wonder that British officials did use blacks whenever it seemed safe to do so. That the Swazies were not used in the wholesale way suggested by Sir Morrison Barlow was probably due in part to the fact that his superiors—besides being more humane, let us hope, than he was—realised that Kaffirs rarely discriminate, and that British farmers and their wives and children would have been slain as ruthlessly as Boer women and children would have been. But in other cases, and on a smaller scale, natives were employed without hesitation,

* C. 3114, pp. 96, 97. That the Boers abstained from arming natives was not for lack of opportunity. They had friends among them beyond, as well as within, the borders of the Transvaal. To cite English authority: the Civil Commissioner at Kimberley reported on December 30, 1880, that the Inspector of Prisons "has ascertained that 22,000 natives in Kimberley and Dutoitspan, and that [the] Dutch in Kimberley, openly sympathise with rebels" (C. 2783, p. 74).

† This letter was published in one of the Natal newspapers and was reprinted in C. 2950, p. 151. The italics are in the Blue Book.

as the Boer leaders stated. In one instance, on January 9, 1881, the High Commissioner publicly authorised an English Colonel at Kimberley to supply a border tribe with gunpowder, nominally for defensive purposes against the Boers—as if the Boers had not enough to do fighting Great Britain without attacking natives—but actually in order to create a diversion to relieve the British forces in Natal.*

This offence of arming and employing natives may seem trivial to those who do not know what native warfare in South Africa often means. But to the Boers, who do know, it is an offence without name. And if Englishmen had seen the bodies of comrades loathsomely mutilated by Kaffirs employed by Boers—something they never have seen—they, perhaps, would feel as Boers do who, in more than one war, have had brothers and friends done to death in this way by natives armed and employed by the British.

* C. 2866, p. 34.

CHAPTER XIX

THE TERMS OF PEACE

PRESIDENT BRAND of the Orange Free State, even before the commencement of hostilities, had endeavoured to bring about a *rapprochement* between the British Government and the Boer leaders.* Later, on January 11, 1881, he telegraphed to the Free State Consul in London, telling him to communicate to the British Government that:

‘I think not a moment should be lost, and some one, say, Chief Justice de Villiers of Cape Town, be sent to the Transvaal Burghers by the Government, with the view of stopping further collision, and with a clear and definite proposal for the settlement.’ †

The British Government, in reply, stated that “if armed opposition ceases” they “would consider whether settlement could be effected by appointing Special Commissioner.” ‡ This was as far as the British Government would at first go. Later, on February 8, 1881, the Secretary of State for the Colonies telegraphed to General Colley:

‘Inform President Brand that Her Majesty’s Government will be ready to give all reasonable guarantees as to treatment of Boers after

* See Morley’s *Life of Gladstone*, vol. iii. p. 32.

† C. 2783, p. 57.

‡ Ibid., p. 58.

submission, if they cease from armed opposition, and that a scheme will be framed for the permanent friendly settlement of difficulties. Add also, that Her Majesty's Government will be glad if President will communicate to leaders of Boers this as well as former messages addressed to him.*

General Colley interpreted the above message as a demand for unconditional surrender. So, in reply to a telegram from President Brand urging that in no circumstances should the Boers be treated as rebels, he telegraphed on February 8, 1881 :

'I fear I can give no such assurance as your Honour proposes, and can add nothing to Lord Kimberley's words. Cessation of armed resistance must precede everything.' †

Later, Lord Kimberley explained that General Colley had interpreted too rigidly the words referred to.

The next step in the proceedings, after the telegrams of February 8th, was a letter from Vice-President Krüger to General Colley, the latter transmitting the "purport" of this letter by telegraph (February 13, 1881) to Lord Kimberley as follows :

'Anxious to make one more effort to stop bloodshed; Boers driven to arms in self-defence; views continually misrepresented; if deed of annexation cancelled, willing to co-operate with British Government everything for good of South Africa; know that English people would be on their side if truth reached them; are so strong in this conviction that would not fear inquiry of a Royal Commission which they know would give them their rights; ready, therefore, if troops ordered to withdraw from Transvaal, to give free passage and withdraw from their positions; if annexation upheld, will fight to the end.' ‡

* C. 2837, p. 6.

† C. 2866, p. 101.

‡ C. 2837, p. 8. By the phrase "give them their rights," Mr. Krüger meant, as Dr. Jorissen explains in his *Transvaalsche Herinneringen* (p. 28 of the Annexures)—restore to them the independence of which they had been robbed.

Lord Kimberley replied to the above on February 16, 1881 :

‘ Inform Krüger that, if Boers will desist from armed opposition, we shall be quite ready to appoint Commissioners with extensive powers, and who may develop the scheme referred to in my telegram to you of the 8th instant. Add that if this proposal is accepted, you are authorised to agree to suspension of hostilities.’*

This, besides being forwarded to Vice-President Krüger, was communicated to President Brand of the Free State, who at once asked to be informed of the nature of the scheme alluded to, as “at present there is no definite plan to work upon”; but he was told in reply (February 18th) that Lord Kimberley “cannot at present add anything to those [terms] already within your knowledge.”†

At last, on March 4, 1881, in telegrams to General Joubert and Sir E. Wood, President Brand suggested that an armistice should be arranged, and found that both Generals were willing to adopt the suggestion.‡ On the 6th, the armistice was signed.

Its terms were as follows : §

‘ Be it understood that the object of this armistice is to allow time for Mr. Krüger to consider and reply to the communications that may pass between the representative sides for the sake of procuring a peaceable settlement of the points at issue.

‘ I, Sir Evelyn Wood, agree, on the part of Her Majesty’s British Government, and I, Piet Joubert, agree, on the part of the Transvaal Boers’ Government, for a cessation of hostilities from noon on the 6th of March, 1881, till midnight on Monday the 14th of March, 1881. ||

* C. 2837, p. 10.

† C. 2950, p. 82.

‡ C. 2837, p. 12.

§ C. 2950, p. 84, and C. 3219, p. 71.

|| On March 14th, a four days’ prolongation of the armistice was arranged by Sir Evelyn Wood and General Joubert (C. 2950, pp. 84, 85), as follows :

“ It is hereby agreed between Major-General Sir Evelyn Wood, K.C.B., commanding Her Majesty’s forces, on the one hand, and Mr. P. Joubert, commanding the Boer forces, on the other hand, that, in order to give time for the arrival of Mr. Krüger, delayed by bad weather, and for the reception of a telegram expected from England, the armistice now existing between the afore-

The following to be the conditions :

'Schedule 1.—During that time each side promises to make no forward movement in advance of its present positions neither by armed parties nor by scouts ; but each retains its liberty of movement within its own lines.

'Schedule 2.—That Sir Evelyn Wood or his successor is free to send eight days' provisions and firewood, but no ammunition, through Boer lines, for all his garrisons in the Transvaal, if he thinks proper to do so. That the Boer officers () undertake to pass it to such garrisons, and, equally with the British garrisons, to suspend all hostilities for eight days subsequent to the arrival of the provisions, and that all persons sent with the waggons shall return with them, without, however, entering the places they are sent to, and not remain to augment the garrisons to which they bring provisions. Such persons, the waggons, and conductors, to be considered neutral until they are again within British lines.

'Schedule 3.—That Piet Joubert undertakes to send notice of the conditions of the armistice at once to the respective garrisons and to the Boer commanders there. That he will use his influence to induce these commanders to allow the withdrawal within the British lines in Natal of all wounded in the aforesaid garrisons.

'EVELYN WOOD,
Major-General.

'P. J. JOUBERT,
Commandant-General.'

said shall be extended till midnight the 18th instant,—that is to say, for four days longer."

"Conditions of the said armistice :

"Schedule 1.—The conditions of existing armistice to remain unaltered ; except that, in consideration of the prolongation for four days, General Wood has the option of sending four days more provisions to those garrisons which have already received eight days', and twelve days' provisions to those garrisons which have not yet received any provisions.

"Schedule 2.—As provided in former agreement, hostilities will only be suspended at several garrisons for the four or twelve days after the arrival of the provisions at the garrisons. Also, one officer may accompany each provision column, but he and his conductor and driver are to be strictly neutral.

"Schedule 3.—This armistice is not to prevent General Wood from sending his post as usual.

"Agreed to at tent under Laing's Nek this 14th day of March, 1881.

"EVELYN WOOD,
Major-General.

"P. J. JOUBERT,
Commandant-General.'"

The Boer leaders were genuinely anxious to come to terms, but insisted that peace was impossible on the vague conditions at first proposed by the British Government. Nevertheless, Vice-President Krüger declared, as cabled by Sir E. Wood to Lord Kimberley on March 7, 1881, that :

‘It appears to us that, for the first time since unlucky annexation, there is chance of coming to peaceful settlement. . . . In our opinion, a meeting of representatives from both sides will probably lead speedily to satisfactory result, therefore suggest representatives from both sides should be present, with full powers to determine preliminaries of honourable peace, and ratify same.’*

On the following day Lord Kimberley cabled to General Wood :

‘Her Majesty’s Government would be ready in any settlement to grant complete amnesty to all, including leaders [a point that had not been raised by the leaders, who were fighting for more than “amnesty”], excepting only persons who have committed or are directly responsible for acts contrary to rules of civilised warfare ; make this known in such way as you consider most expedient. We should make no exception as to persons with whom we will negotiate, requiring only that they shall be duly authorised representatives of Boers, with power to act in their behalf. We understand Krüger’s answer as opening way to further proceedings on basis of preceding communications, and we now propose to appoint commissioners, whose names I will state at earliest moment, who will examine whole matter, and will be ready for friendly communications with any persons appointed by Boers.’*

Further details were telegraphed on March 12th :

‘Inform Boer leaders,’ Sir E. Wood was told, ‘that if Boers will undertake to desist from armed opposition and disperse to their homes we are prepared to name the following as Commissioners :—Sir H. Robinson,† Chief Justice de Villiers, and yourself. President Brand

* C. 2837, p. 23.

† Sir Hercules Robinson, afterward Lord Rosmead, had become Governor of Cape Colony and High Commissioner in January, 1881. His predecessor, Sir Bartle Frere, had been recalled in August, 1880, Sir G. C. Strahan, during the intervening months, filling the position of Acting-Governor.

would be asked to be present at proceedings as representing friendly State. Commission would be authorised to consider following points:—Complete self-government under British Suzerainty, with British Resident at Pretoria, and provisions for protection of Native interests and as to frontier affairs. Control over relations with foreign powers to be reserved.*

After this offer had been discussed at several meetings between Sir E. Wood and the Boer leaders, and after Mr. Krüger had assured President Brand that short of “restoration of Republic, with British protectorate . . . we cannot treat,” † terms of peace were agreed to finally on March 21, 1881.

TERMS OF PEACE.

‘Schedule 1.—I, Sir Evelyn Wood, admit the Boer leaders, Messrs. Krüger, Pretorius, Joubert, and others who have been present at these meetings, as duly representing the people of the Transvaal, now in arms.

‘Schedule 2.—We, Krüger, Pretorius, and Joubert declare our readiness to accept the suzerainty of the reigning Sovereign of Great Britain and Ireland, according to the explanation given by Sir E. Wood, as noted in the minutes of the meeting of the 16th March. We also agree to recognise a British Resident at the future capital of the Government, with such functions as the British Government may decide on the recommendations of the Royal Commission.

‘We also agree to leave to the Commission the consideration of provisions for the protection of Native interests, and as to frontier affairs, that control ‡ of relations with foreign powers should be reserved to the Suzerain.

‘Schedule 3.—I, Sir Evelyn Wood, acknowledge the right of the Transvaal people to complete self-government, subject to Suzerain rights.

‘Schedule 4.—We, Krüger, Pretorius, and Joubert, will gladly co-operate with Her Majesty’s Government in bringing to justice those who have committed, or are directly responsible, for acts contrary to civilised warfare.

‘Schedule 5.—I, Sir Evelyn Wood, in the event of the position on the

* C. 2837, pp. 24, 25. C. 3114, p. 49.

† C. 2837, pp. 24, 25.

‡ In the Dutch version, as given in the *Staatscourant*, the word used at this point is *toezicht*, which means supervision, not control; and in view of the facts related on pp. 302, 303 *infra*, the difference is important.

Laing's Nek being abandoned by the Boers, and of the latter dispersing to their homes, declare on the part of Her Majesty's Government, that I will not take possession of that position, nor follow them up with troops, nor send ammunition into the Transvaal.

'At a meeting on the 18th March, a telegram from Lord Kimberley, dated 17th, was handed to the Boer representatives, being an answer to Sir E. Wood's telegram of the 16th, embodying the points raised by them on that day.*

'Schedule 6.—The Boer leaders accept the terms offered in the telegram of the 17th, they declare, "We trust to the British Government to give to us complete self-government as soon as possible, and at latest within six months, it being understood that no civil action shall be entertained in respect of proceedings taken during or in reference to this war, and equally no action be entertained in respect of taxation until the self-government be accorded. We further trust that if the Royal Commission considers any separation of land to the east of the 30th degree of longitude to be necessary, such Commission will not recommend the separation of more land than is necessary for the purposes of the English policy as indicated in the telegram of the 17th March."

'Schedule 7.—I, Sir E. Wood, do engage, on behalf of the British Government, that the Royal Commission shall meet at the earliest possible date, and that the Government of the country shall be handed over within six months from this date.

'Schedule 8.—Under these circumstances we, Krüger, Joubert, and Pretorius, engage on behalf of the Boers in arms, to disperse our forces at once, and to await the settlement of all pending questions referred to the Royal Commission; on the completion of the labours of which the country will enter on the promised self-government.

'Schedule 9.—We, Krüger, Joubert, and Pretorius, further engage on behalf of the Boers, to restore all British property, now in possession of the Boer authorities, captured during the war, and Sir E. Wood undertakes to restore all property of the Boers now in possession of the British Government, captured during the war, or taken over from the Republic at the time of annexation. The exchange to take place when the self-government is finally accorded.

'(Signed) EVELYN WOOD, *Major-General,*
Deputy High Commissioner.

'S. J. P. KRÜGER.

'M. W. PRETORIUS.

'P. J. JOUBERT.' †

* This paragraph, although it may have the appearance of an addition to the original document, is given as above in the Blue Book.

† C. 3114, pp. 55, 56.

Much has been said by English writers to the effect that when Sir Evelyn Wood, on behalf of the British Government, condescended to suspend hostilities against the Boers, he had their citizen-army "in the hollow of his hand." Apart from the fact that General Colley probably thought the same before he had assumed the offensive, it is worthy of note that the preliminary armistice was signed on March 6, 1881; the terms of peace on March 21, 1881; and that on dates both before and after these Sir E. Wood admitted that he was unable to take the offensive owing to the delay in the arrival of his reinforcements.

'On reaching Newcastle on the 2nd of March,' he wrote to Lord Kimberley, 'I found that the military situation was such as would prevent any advance against the Boers before the arrival of the remaining reinforcements then on the march from Pietermaritzburg, and the accumulation of more stores. *This I found would take at least a fortnight.*' *

Writing to the Secretary of State for War on March 19, 1881, he said :

'From a military point of view I was not averse to this armistice, as the state of the roads and rivers had prevented the arrival at the front of reinforcements and supplies. In fact, from the same causes I am still, on the 19th, unable to take the offensive into the Transvaal, but I shall be able to do so in three days, provided the state of the rivers admits' [which it did not].†

Lastly, on March 30, 1881, again writing to the Secretary of State for War, Sir E. Wood confessed that :

'The armistice has enabled me, by reducing the forage ration, to tide over the difficulties caused by the wretched state of the roads, but as it would have been impossible for me to have taken the offensive, I cannot disguise the fact that the delays [due to the state of the roads] to which I have been subject might have been of very serious moment as regards military operations. To strike strongly and swiftly is a military axiom, and yet from circumstances beyond my control, I should have been forced, had there been no armistice, to remain in a state of inaction.' ‡

* C. 2950, p. 81.

† Ibid., p. 103.

‡ Ibid., p. 143.

CHAPTER XX

THE PRETORIA CONVENTION

IT will particularly have been noticed in the terms of peace that Sir Evelyn Wood, on behalf of the British Government, acknowledged "the right of the Transvaal people to complete self-government, subject to Suzerain rights," and that the Boer leaders accepted "the suzerainty of the reigning Sovereign of Great Britain and Ireland, according to the explanation given by Sir E. Wood, as noted in the minutes of the meeting of the 16th March."

In those minutes it had been stated by Sir E. Wood :

'Suzerainté means: "That the country has entire self-government as regards its own interior affairs, but that it cannot take action against or with an outside power without the permission of the Suzerain."' *

This plain definition—which harmonised perfectly with the phrase in Schedule 2 "that control [more correctly, 'supervision' †] of relations with foreign powers should be reserved to the Suzerain"—can have had one meaning only, viz., that the Republic was to have the right to initiate action where foreign powers were concerned, but that the permission of the Suzerain would have to be obtained before any act, thus initiated, could become binding.

Imagine, therefore, the feelings of the Boers when, after

* Annexure 'S,' on p. 52 of C. 3114.

† See *supra*, p. 299, footnote.

they had been induced by these promises to abandon their position at Laing's Nek and to return to their homes, a draft Convention was submitted to their leaders which gave the Suzerain "the *conduct* of diplomatic intercourse with foreign powers, such intercourse to be carried on through Her Majesty's diplomatic and consular officers abroad."

It is needless to emphasise the radical difference between this stipulation and that contained in the terms of peace. And this difference was not the only one.* But what were the Boers to do? Large reinforcements had arrived to strengthen the British position, and if the Convention, which had been drafted by the Royal Commission, were not accepted, the war would have to be fought all over again against much heavier odds than at first. It was a situation of immense difficulty, and it is not surprising that the Boer leaders decided to sign the Convention, subject to ratification by the Volksraad. And so it was signed, on the 3rd of August, 1881, at Pretoria, by Sir Hercules Robinson, Sir Evelyn Wood, and Sir Henry de Villiers, on behalf of the British Government, and by Messrs. Krüger, Pretorius, and Joubert on behalf of the Transvaal burghers. Its terms were as follows:—

PRETORIA CONVENTION OF 1881.

Preamble. Her Majesty's Commissioners for the Settlement of the Transvaal territory, duly appointed as such by a Commission passed under the Royal Sign Manual and Signet, bearing date the 5th of April, 1881, do hereby undertake and guarantee on behalf of Her Majesty, that, from and after the 8th day of August, 1881, complete self-government, subject to the suzerainty of Her Majesty, her heirs and successors, will be accorded to the inhabitants of the Transvaal territory, upon the following terms and conditions, and subject to the following reservations and limitations:—

Article 1. The said Territory, to be hereinafter called the Transvaal State, shall embrace the land lying between the following boundaries, to wit:

* See *infra*, p. 315.

Beginning from the point where the north-eastern boundary line of Griqualand West meets the Vaal River, up the course of the Vaal River to the point of junction with it of the Klip River; thence up the course of the Klip River to the point of junction with it of the stream called Gansvlei, thence up the Gansvlei stream to its source in the Drakensberg; thence to a beacon in the boundary of Natal, situated immediately opposite and close to the source of the Gansvlei stream; thence in a north-easterly direction along the ridge of the Drakensberg, dividing the waters flowing into the Gansvlei stream from the waters flowing into the sources of the Buffalo, to a beacon on a point where this mountain ceases to be a continuous chain; thence to a beacon on a plain to the north-east of the last described beacon; thence to the nearest source of a small stream called "Division Stream"; thence down this division stream, which forms the southern boundary of the Sandfontein, the property of Messrs. Meek, to its junction with the Coldstream; thence down the Coldstream to its junction with the Buffalo or Umzinyati River; thence down the course of the Buffalo River to the junction with it of the Blood River; thence up the course of the Blood River to the junction with it of Lyn Spruit or Dudusi; thence up the Dudusi to its source; thence 80 yards to Bea. I., situated on a spur of the N'Qaba-Ka-hawana Mountains; thence 80 yards to the N'Sonto River; thence down the N'Sonto River to its junction with the White Umvulosi River; thence up the White Umvulosi River to a white rock where it rises; thence 800 yards to Kambula Hill (Bea. II.); thence to the source of the Pemvana River, where the road from Kambula Camp to Burger's Lager crosses; thence down the Pemvana River to its junction with the Bivana River; thence down the Bivana River to its junction with the Pongolo River; thence down the Pongolo River to where it passes through the Libombo Range; thence along the summits of the Libombo Range to the northern point of the N'Yawos Hill in that range Bea. XVI.; thence to the northern peak of the Inkwakweni Hills Bea. XV.; thence to Sefunda, a rocky knoll detached from and to the north-east end of the White Koppies, and to the south of the Muzana River Bea. XIV.; thence to a point on the slope near the crest of Matanjeni, which is the name given to the south-eastern portion of the Mahamba Hills Bea. XIII.; thence to the N'Gwangwana, a double-pointed hill (one point is bare, the other wooded, the beacon being on the former), on the left bank of the Assegai River and upstream of the Dadusa Spruit Bea. XII.; thence to the southern point of Bendita, a rocky knoll in a plain between the Little Hlozane and Assegai Rivers Bea. XI.; thence to the highest point of Suluka Hill, round the eastern slopes of which flows the Little Hlozane, also called Ludaka

or Mudspruit Bea. X.; thence to the beacon known as "Viljoen's" or N'Duko Hill; thence to a point north-east of Derby House, known as Magwazidili's Beacon; thence to the Igaba, a small knoll on the Ungwempisi River, also called "Joubert's Beacon," and known to the Natives as "Piet's Beacon" Bea. IX.; thence to the highest point of the N'Dhlovudwalili or Houtbosch, a hill on the northern bank of the Umgwempisi River Bea. VIII.; thence to a beacon on the only flat-topped rock, about 10 feet high and about 30 yards in circumference at its base, situated on the south side of the Lamsamane range of hills, and overlooking the valley of the great Usuto River, this rock being 45 yards north of the road from Camden and Lake Banagher to the forests on the Usuto River (sometimes called Sandhlanas Beacon) Bea. VII.; thence to the Gulungwana or Ibubulundi, four smooth bare hills, the highest in that neighbourhood, situated to the south of the Umtuli River Bea. VI.; thence to a flat-topped rock, 8 feet high, on the crest of the Busuku, a low rocky range south-west of the Impulasi River Bea. V.; thence to a low bare hill on the north-east of, and overlooking the Impulasi River, to the south of it being a tributary of the Impulasi, with a considerable waterfall, and the road from the river passing 200 yards to the north-west of the beacon Bea. IV.; thence to the highest point of the Mapumula range, the watershed of the Little Usuto River on the north, and the Umpulasi River on the south, the hill, the top of which is a bare rock, falling abruptly towards the Little Usuto Bea. III.; thence to the western point of a double-pointed rocky hill, precipitous on all sides, called Makwana, its top being a bare rock Bea. II.; thence to the top of a rugged hill of considerable height, falling abruptly to the Komati River, this hill being the northern extremity of the Isilotwani range, and separated from the highest peak of the range Inkomokasi (a sharp cone) by a deep neck Bea. I.. On a ridge in the straight line between Beacons I. and II. is an intermediate beacon. From Beacon I. the boundary runs to a hill across the Komati River, and thence along the crest of the range of hills known as the Makongwa, which runs north-east and south-west to Kamhlubana Peak, thence in a straight line to Mananga, a point in the Libombo range, and thence to the nearest point in the Portuguese frontier on the Libombo range; thence along the summits of the Libombo range to the middle of the poort where the Komati River passes through it, called the lowest Komati Poort; thence in a north by easterly direction to Pokioens Kop, situated on the north side of the Olifant's River, where it passes through the ridges; thence about north-north-west to the nearest point of Serra di Chicundo, and thence to the junction of the Pafuri River with the Limpopo or Crocodile River; thence up the course of the Limpopo River to the point where the Marique River falls into it;

thence up the course of the Marique River to "Derde Poort," where it passes through a low range of hills, called Sikwane, a beacon No. 10 being erected on the spur of the said range near to, and westward of, the banks of the river, thence in a straight line, through this beacon to a beacon No. 9 erected on the top of the same range about 1,700 yards distant from beacon No 10; thence, in a straight line, to a beacon No. 8 erected on the highest point of an isolated hill, called Dikgagong, or "Wildebeest Kop," situated south-eastward of, and about $3\frac{1}{4}$ miles distant from a high hill, called Moripe, thence in a straight line, to a beacon No. 7 erected on the summit of an isolated hill or "koppie," forming the eastern extremity of the range of hills called Moshweu, situated to the northward of, and about 2 miles distant from, a large isolated hill, called Chukudu-Chochwa; thence, in a straight line, to a beacon No. 6 erected on the summit of a hill, forming part of the same range, Moshweu; thence, in a straight line, to a beacon No. 5 erected on the summit of a pointed hill in the same range; thence, in a straight line, to a beacon No. 4 erected on the summit of the western extremity of the same range; thence, in a straight line, to a beacon No. 3 erected on the summit of the northern extremity of a low, bushy hill, or koppie, near to, and eastward of, the Notwane River; thence, in a straight line, to the junction of the stream called Metsi-Mashwane with the Notwane River No. 2; thence up to the course of the Notwane River to Sengoma, being the poort where the river passes through the Dwarsberg range; thence, as described in the Award given by Lieutenant-Governor Keate, dated October 17, 1871, by Pitlanganyane (narrow place) Deboaganka or Schaapkuil, Sibatoul (bare place) and Maclase, to Ramatlabama, a pool on a spruit north of the Molopo River. From Ramatlabama the boundary shall run to the summit of an isolated hill, called Leganka; thence, in a straight line, passing north-east of a native station, near "Buurman's drift" on the Molopo River, to that point on the road from Mosiega to the old drift, where a road turns out through the native station to the new drift below; thence to "Buurman's old drift"; thence, in a straight line, to a marked and isolated clump of trees near to and north-west of the dwelling-house of C. Austin, a tenant on the farm "Vleifontein," No. 117; thence, in a straight line, to the north-western corner beacon of the farm, "Mooimeisjesfontein," No. 30; thence along the western line of the said farm "Mooimeisjesfontein," and in prolongation thereof, as far as the road leading from "Ludik's Drift" on the Molopo River, past the homestead of Mooimeisjesfontein, towards the Salt Pans near Hart River; thence along the said road to a point thereon, 8 miles north of the dwelling of Gouws at the Salt Pan; thence, in a straight line, to a point one mile due west of the more northerly pan, measured from its western edge; thence, in a straight

line, to the most westerly beacon of the farm Rietpan, No. 150; thence along the line of the said farm to the drift on the Hart River, near the ruined house, known as "Liebenberg's"; thence down the Hart River to the drift about $2\frac{1}{2}$ miles below Mamusa and opposite the dwelling-house of Theodor Doms; thence, in a straight line, to the summit of an isolated hill, known as "Koppie Enkel," situated between the Vaal and Hart Rivers, and about 36 miles from Mamusa, and about 18 miles north of the village of Christiana; thence, in a straight line, to that point on the north-east boundary of Griqualand West, as beacons by Mr. Surveyor Ford, where two farms, registered as Nos. 72 and 75, do meet, about midway between the Vaal and Hart Rivers, measured along the said boundary of Griqualand West; thence to the first point where the north-east boundary of Griqualand West meets the Vaal River.

Article 2. Her Majesty reserves to herself, her heirs and successors, (a) the right from time to time to appoint a British Resident in and for the said State, with such duties and functions as are hereinafter defined; (b) the right to move troops through the said State in time of war, or in case of the apprehension of immediate war between the Suzerain Power and any Foreign State or Native Tribe in South Africa; and (c) the control of the external relations of the said State, including the conclusion of treaties and the conduct of diplomatic intercourse with Foreign Powers, such intercourse to be carried on through Her Majesty's diplomatic and consular officers abroad.

Article 3. Until altered by the Volksraad, or other competent authority, all laws, whether passed before or after the annexation of the Transvaal territory to Her Majesty's dominions, shall, except in so far as they are consistent with or repugnant to the provisions of this Convention, be and remain in force in the said State in so far as they shall be applicable thereto: provided that no future enactment especially affecting the interest of natives shall have any force or effect in the said State, without the consent of Her Majesty, her heirs and successors, first had and obtained and signified to the Government of the said State through the British Resident: provided further that in no case will the repeal or amendment of any laws which have been enacted since the annexation have a retrospective effect, so as to invalidate any acts done or liabilities incurred by virtue of such laws.

Article 4. On the 8th day of August, 1881, the Government of the said State, together with all rights and obligations thereto appertaining, and all State property taken over at the time of annexation, save and except munitions of war, will be handed over to Messrs. Stephanus Johannes Paulus Krüger, Martinus Wessel Pretorius, and Petrus Jacobus Joubert, or the survivor or survivors of them, who will

forthwith cause a Volksraad to be elected and convened, and the Volksraad, thus elected and convened, will decide as to the further administration of the Government of the said State.

Article 5. All sentences passed upon persons who may be convicted of offences contrary to the rules of civilised warfare, committed during the recent hostilities, will be duly carried out, and no alteration or mitigation of such sentences will be made or allowed by the Government of the Transvaal State without Her Majesty's consent, conveyed through the British Resident. In case there shall be any prisoners in any of the gaols of the Transvaal State, whose respective sentences of imprisonment have been remitted in part by Her Majesty's Administrator, or other officer administering the Government, such remission will be recognised and acted upon by the future Government of the said State.

Article 6. Her Majesty's Government will make due compensation for all losses or damage sustained by reason of such acts as are in the 8th Article hereinafter specified, which may have been committed by Her Majesty's forces during the recent hostilities, except for such losses or damage as may already have been compensated for, and the Government of the Transvaal State will make due compensation for all losses or damage sustained by reason of such acts as are in the 8th Article hereinafter specified which may have been committed by the people who were in arms against Her Majesty during the recent hostilities, except for such losses or damages as may already have been compensated for.

Article 7. The decision of all claims for compensation, as in the last preceding Article mentioned, will be referred to a Sub-Commission, consisting of the Honourable George Hudson, the Honourable Jacobus Petrus de Wet, and the Honourable John Gilbert Kotzé. In case one or more of such Sub-Commissioners shall be unable or unwilling to act the remaining Sub-Commissioner or Sub-Commissioners will, after consultation with the Government of the Transvaal State, submit for the approval of Her Majesty's High Commissioners the names of one or more persons to be appointed by them to fill the place or places thus vacated. The decision of the said Sub-Commissioners, or of a majority of them, will be final. The said Sub-Commissioners will enter upon and perform their duties with all convenient speed. They will, before taking evidence or ordering evidence to be taken in respect of any claim, decide whether such claim can be entertained at all under the rules laid down in the next succeeding Article. In regard to claims which can be so entertained, the Sub-Commissioners will, in the first instance, afford every facility for an amicable arrangement as to the amount payable in respect of any claim, and only in cases in which there is no reasonable ground for believing that an immediate amicable arrangement can be arrived at, will they take evidence, or order evidence

to be taken. For the purpose of taking evidence and reporting thereon, the Sub-Commissioners may appoint Deputies, who will, without delay, submit records of the evidence and their reports to the Sub-Commissioners. The Sub-Commissioners will arrange their sittings and the sittings of their Deputies in such a manner as to afford the greatest convenience to the parties concerned and their witnesses. In no case will costs be allowed to either side, other than the actual and reasonable expenses of witnesses whose evidence is certified by the Sub-Commissioners to have been necessary. Interest will not run on the amount of any claim, except as is hereinafter provided for. The said Sub-Commissioners will forthwith, after deciding upon any claim, announce their decision to the Government against which the award is made, and to the claimant. The amount of remuneration payable to the Sub-Commissioners and their Deputies will be determined by the High Commissioner, after all the claims have been decided upon. The British Government and the Government of the Transvaal State will pay proportionate shares of the said remuneration and of the expenses of the Sub-Commissioners and their Deputies, according to the amount awarded against them respectively.

Article 8. For the purpose of distinguishing claims to be accepted from those to be rejected, the Sub-Commissioners will be guided by the following rules, viz.:—Compensation will be allowed for losses or damage sustained by reason of the following acts committed during the recent hostilities, viz., (a) commandeering, seizure, confiscation, or destruction of property, or damage done to property; (b) violence done or threats used by persons in arms. In regard to acts under (a), compensation will be allowed for direct losses only. In regard to acts falling under (b), compensation will be allowed for actual losses of property, or actual injury to the same proved to have been caused by its enforced abandonment. No claims for indirect losses, except such as are in this Article specially provided for will be entertained. No claims which have been handed in to the Secretary of the Royal Commission after the 1st day of July, 1881, will be entertained, unless the Sub-Commissioners shall be satisfied that the delay was reasonable. When claims for loss of property are considered, the Sub-Commissioners will require distinct proof of the existence of the property, and that it neither has reverted, nor will revert, to the claimant.

Article 9. The Government of the Transvaal State will pay and satisfy the amount of every claim awarded against it within one month after the Sub-Commissioners shall have notified their decision to the said Government, and in default of such payment the said Government will pay interest at the rate of six per cent. per annum from the date of such default; but Her Majesty's Government may at any time before such

payment pay the amount, with interest, if any, to the claimant in satisfaction of his claim, and may add the sum thus paid to any debt which may be due by the Transvaal State to Her Majesty's Government, as hereinafter provided for.

Article 10. The Transvaal State will be liable for the balance of the debts for which the South African Republic was liable at the date of annexation, to wit, the sum of £48,000 in respect of the Cape Commercial Bank Loan, and £85,667 in respect to the Railway Loan, together with the amount due on 8th August, 1881, on account of the Orphan Chamber Debt, which now stands at £27,226 15s., which debts will be a first charge upon the revenues of the State. The Transvaal State will moreover be liable for the lawful expenditure lawfully incurred for the necessary expenses of the Province since the annexation, to wit, the sum of £265,000, which debt, together with such debts as may be incurred by virtue of the 9th Article, will be second charge upon the revenues of the State.

Article 11. The debts due as aforesaid by the Transvaal State to Her Majesty's Government will bear interest at the rate of three and a half per cent., and any portion of such debt as may remain unpaid on the 8th August, 1882, shall be repayable by a payment for interest and sinking fund of six pounds and ninepence per cent. per annum, which will extinguish the debt, in twenty-five years. The said payment of six pounds and ninepence per £100 shall be payable half yearly in British currency on the 8th February and 8th August in each year. Provided always, that the Transvaal State shall pay, in reduction of the said debt, the sum of £100,000 before the 8th August, 1882, and shall be at liberty at the close of any half year to pay off the whole or any portion of the outstanding debt.

Article 12. All persons holding property in the said State on the 8th day of August, 1881, will continue to enjoy the rights of property which they have enjoyed since the annexation. No person who has remained loyal to Her Majesty during the recent hostilities shall suffer any molestation by reason of his loyalty, or be liable to any criminal prosecution or civil action for any part taken in connexion with such hostilities, and all such persons will have full liberty to reside in the country, with enjoyment of all civil rights, and protection for their persons and property.

Article 13. Natives will be allowed to acquire land, but the grant or transfer of such land will, in every case, be made to and registered in the name of the Native Location Commission, hereinafter mentioned, in trust for such natives.

Article 14. Natives will be allowed to move as freely within the country as may be consistent with the requirements of public order,

and to leave it for the purpose of seeking employment elsewhere or for other lawful purposes, subject always to the pass laws of the said State, as amended by the Legislature of the Province, or as may hereafter be enacted under the provisions of the Third Article of this Convention.

Article 15. The provisions of the Fourth Article of the Sand River Convention are hereby re-affirmed, and no slavery or apprenticeship partaking of slavery will be tolerated by the Government of the said State.

Article 16. There will continue to be complete freedom of religion and protection from molestation for all denominations, provided the same be not inconsistent with morality and good order, and no disability shall attach to any person in regard to rights of property by reason of the religious opinions which he holds.

Article 17. The British Resident will receive from the Government of the Transvaal State such assistance and support as can by law be given to him for the due discharge of his functions. He will also receive every assistance for the proper care and preservation of the graves of such of Her Majesty's forces as have died in the Transvaal, and if need be for the expropriation of land for the purpose.

Article 18. The following will be the duties and functions of the British Resident:—(1) he will perform duties and functions analogous to those discharged by a *Chargé d'Affaires* and Consul-General.

(2) In regard to natives within the Transvaal State he will (a) report to the High Commissioner, as representative of the Suzerain, as to the working and observance of the provisions of this Convention; (b) report to the Transvaal authorities any cases of ill-treatment of natives or attempts to incite natives to rebellion that may come to his knowledge; (c) use his influence with the natives in favour of law and order; and (d) generally perform such other duties as are by this Convention entrusted to him, and take such steps for the protection of the person and property of natives as are consistent with the laws of the land.

(3) In regard to natives not residing in the Transvaal (a) he will report to the High Commissioner and the Transvaal Government any encroachments reported to him as having been made by Transvaal residents upon the land of such natives, and in case of disagreement between the Transvaal Government and the British Resident as to whether an encroachment has been made, the decision of the Suzerain will be final; (b) the British Resident will be the medium of communication with native chiefs outside the Transvaal, and, subject to the approval of the High Commissioner, as representing the Suzerain, he will control the conclusion of treaties with them; and (c) he will arbitrate upon every dispute between Transvaal residents and natives outside the Transvaal (as to acts committed beyond the boundaries of the Transvaal) which may be referred to him by the parties interested.

(4) In regard to communications with foreign powers, the Transvaal Government will correspond with Her Majesty's Government through the British Resident and the High Commissioner.

Article 19. The Government of the Transvaal State will strictly adhere to the boundaries defined in the First Article of this Convention, and will do its utmost to prevent any of its inhabitants from making any encroachment upon lands beyond the said State. The Royal Commission will forthwith appoint a person who will beacon off the boundary line between Ramatlabama and the point where such line first touches Griqualand West boundary, midway between the Vaal and Hart Rivers; the person so appointed will be instructed to make an arrangement between the owners of the farms Grootfontein and Valleifontein on the one hand, and the Barolong authorities on the other, by which a fair share of the water supply of the said farms shall be allowed to flow undisturbed to the said Barolongs.

Article 20. All grants or titles issued at any time by the Transvaal Government in respect of land outside the boundary of Transvaal State, as defined, Article 1, shall be considered invalid and of no effect, except in so far as any such grant or title relates to land that falls within the boundary of the Transvaal State; and all persons holding any such grant so considered invalid and of no effect will receive from the Government of the Transvaal State such compensation, either in land or in money, as the Volksraad shall determine. In all cases in which any native chiefs or other authorities outside the said boundaries have received any adequate consideration from the Government of the former South African Republic for land excluded from the Transvaal by the First Article of this Convention, or where permanent improvements have been made on the land, the British Resident will, subject to the approval of the High Commissioner, use his influence to recover from the native authorities fair compensation for the loss of the land thus excluded, or of the permanent improvements thereon.

Article 21. Forthwith, after the taking effect of this Convention, a Native Location Commission will be constituted, consisting of the President (or in his absence the Vice-President) of the State, or some one deputed by him, the Resident, or some one deputed by him, and a third person to be agreed upon by the President (or the Vice-President, as the case may be), and the Resident, and such Commission will be a standing body for the performance of the duties hereinafter mentioned.

Article 22. The Native Location Commission will reserve to the native tribes of the State such locations as they may be fairly and equitably entitled to, due regard being had to the actual occupation of such tribes. The Native Location Commission will clearly define the boundaries of such locations, and for that purpose will, in every instance, first of all

ascertain the wishes of the parties interested in such land. In case land already granted in individual titles shall be required for the purpose of any location, the owners will receive such compensation, either in other land or in money, as the Volksraad shall determine. After the boundaries of any location have been fixed, no fresh grant of land within such location will be made, nor will the boundaries be altered without the consent of the Location Commission. No fresh grants of land will be made in the districts of Waterberg, Zoutpansberg, and Lydenburg, until the locations in the said districts respectively shall have been defined by the said Commission.

Article 23. If not released before the taking effect of this Convention, Sikukuni, and those of his followers who have been imprisoned with him, will be forthwith released, and the boundaries of his location will be defined by the Native Location Commission in the manner indicated in the last preceding Article.

Article 24. The independence of the Swazies within the boundary line of Swaziland, as indicated in the First Article of this Convention, will be fully recognised.

Article 25. No other or higher duties will be imposed on the importation into the Transvaal State of any article the produce or manufacture of the dominions and possessions of Her Majesty, from whatever place arriving, than are or may be payable on the like article, the produce or manufacture of any other country, nor will any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of Her Majesty, which shall not equally extend to the importation of the like articles, being the produce or manufacture of any other country.

Article 26. All persons other than natives conforming themselves to the laws of the Transvaal State (a) will have full liberty with their families, to enter, travel, or reside in any part of the Transvaal State; (b) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (c) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (d) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon Transvaal citizens.

Article 27. All inhabitants of the Transvaal shall have free access to the Courts of Justice for the prosecution and defence of their rights.

Article 28. All persons, other than natives, who established their domicile in the Transvaal between the 12th day of April, 1877, and the date when this Convention comes into effect, and who shall within

twelve months after such last-mentioned date have their names registered by the British Resident, shall be exempt from all compulsory military service whatever. The Resident shall notify such registration to the Government of the Transvaal State.

Article 29. Provision shall hereafter be made by a separate instrument for the mutual extradition of criminals, and also for the surrender of deserters from Her Majesty's forces.

Article 30. All debts contracted since the annexation will be payable in the same currency in which they may have been contracted. All uncanceled postage and other revenue stamps issued by the Government since the annexation will remain valid, and will be accepted at their present value by the future Government of the State. All licenses duly issued since the annexation will remain in force during the period for which they may have been issued.

Article 31. No grants of land which may have been made, and no transfers of mortgages which may have been passed since the annexation, will be invalidated by reason merely of their having been made or passed after such date. All transfers to the British Secretary for Native Affairs in trust for natives will remain in force, the Native Location Commission taking the place of such Secretary for Native Affairs.

Article 32. This Convention will be ratified by a newly-elected Volksraad within the period of three months after its execution, and in default of such ratification this Convention shall be null and void.

Article 33. Forthwith, after the ratification of this Convention, as in the last preceding Article mentioned, all British troops in Transvaal territory will leave the same, and the mutual delivery of munitions of war will be carried out.

Signed at Pretoria, this 3rd day of August, 1881.

HERCULES ROBINSON,

President and High Commissioner.

EVELYN WOOD,

Major-General.

Officer Administering the Government.

J. H. DE VILLIERS,

}
Royal Com-
missioners.

We, the undersigned, Stephanus Johannes Paulus Krüger, Martinus Wessel Pretorius, and Petrus Jacobus Joubert, as representatives of the Transvaal Burghers, do hereby agree to all the above conditions, reservations, and limitations under which self-government has been restored to the inhabitants of the Transvaal territory, subject to the Suzerainty of Her Majesty, her heirs and successors, and we agree to accept the Government of the said territory, with all rights and obligations thereto appertaining on the 8th day of August, 1881, and

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we promise and undertake that this Convention shall be ratified by a newly-elected Volksraad of the Transvaal State within three months from this date.

Signed at Pretoria, this 3rd day of August, 1881.

S. J. P. KRÜGER.

M. W. PRETORIUS.

P. J. JOUBERT.

When the Convention was submitted to the Volksraad,* there was unanimous objection to its ratification, and on October 3, 1881, a telegram for transmission to the Imperial authorities in England was drawn up, setting forth that :

'The Convention is contrary to the Treaty of Sand River of 1852. The Convention is, in many respects, an open breach of the Peace Agreement between Sir E. Wood, for Her Majesty's Government, and the Boer leaders who, trusting that the principles laid down there would be executed, laid down their arms. (1) The Volksraad request that Arts. 2 and 18 may be altered. The Suzerain has no right to the conduct of foreign affairs, only the control. (2) Likewise was agreed at the Peace Agreement that we should have complete self-government, and, as they stand, Arts. 3, 13 (and) 26 (21?) are a breach of that solemn treaty. The Suzerain has no right of approval of our laws. The Resident, being a foreigner, cannot be a trustee of property belonging to our citizens. It is *infra dignitatem* for the President to be a member of any Commission. (3) Although willing to pay our debts, we want proof and vouchers. This is not given now. From Art. 8 the word "commandeering" to disappear. (4) Art. 20. They who annul grants must pay damages. (5) Arts. 15, 16, 26 (and) 27 superfluous, only calculated to offend.' †

* The Royal Commission had considered the advisability of entering into a peace agreement directly with the representatives of the Boers in the field, but had rejected this course, pointing out in their Report : "The fundamental law of the South African Republic required that all Treaties or Conventions should obtain the sanction of the Volksraad, and it is certain that whatever form of popular approval your Commissioners might have been disposed to regard as sufficient ratification of the Convention, the people of the country themselves would never have deemed any ratification to be final, lawful, and sufficient, but such as came from the formal act of their own Volksraad, elected and convened according to their own fundamental law" (C. 3114, p. 26).

† C. 3098, p. 87.

In reply to this telegram from the Volksraad, the British Government, on October 13th, sent the following:

‘The Convention having been signed by the leaders who entered into the Peace Agreement, and they having undertaken that the Convention will be ratified within three months, Her Majesty’s Government cannot entertain any proposals for a modification of the Convention until after it has been ratified and its practical working fairly tested.’*

The Raad pointed out that in any case the question of seeing vouchers for debts “could not come under the matters the practical working of which should be put to the test,” and asked for further consideration of that point; but even this was refused.† So on October 25, 1881, the Volksraad, while “maintaining the objections to the Convention as made before the Royal Commission, or stated in the Volksraad . . . and *provisionally submitting the Articles of the Convention to a practical test*,” proceeded to ratify the Convention, their motive being, as they declared, “the fear of renewed bloodshed between people who are bound mutually to forbear with and respect each other.”‡

So ended the Boer War for Independence. It was not a satisfactory ending from the point of view of the Boers. They had been a free people with a government of their own choice wholly independent of foreign control. Their position as such had been acknowledged formally by Great Britain in the Sand River Convention of 1852. The annexation of 1877, carried out in face of their solemn protests, had flagrantly and inexcusably violated that Convention. But, believing that the British Government had been misled, and knowing how its agents in South Africa had conspired to misrepresent the facts, the Boers

* C. 3098, p. 91.

† Ibid., pp. 91, 93.

‡ Ibid., pp. 95, 96, 102.

had trusted that when the truth had been made known by their delegates, the British Government would voluntarily restore to them their rights. Then, when their delegates found that one Secretary of State after another, instead of listening to the facts, had joined in the conspiracy of deception, tacitly if not actively, the Boers still trusted that by risking their lives for freedom, they would be able to carry their appeal from Downing Street to the British people, and that the British people would insist upon justice being done.

And the result? Instead of a generous and complete restoration of the liberty of which they had been robbed, they were offered, and were compelled to accept, a niggardly compromise—as if Great Britain had been a fraudulent bankrupt paying sixpence in place of a possible twenty shillings in the pound, and even then had exacted a discount for cash.

Try as they would to console themselves with the thought that “half a loaf is better than no bread,” it was impossible to forget that the Sand River Convention had acknowledged their right to the whole loaf, and that the whole loaf had been theirs *de facto* long before their right to it had been acknowledged. How could they possibly be grateful to the rich man, the owner of many loaves, who had snatched their one loaf from them, and who, after years of delay, and not until they had fought him for it, at last grudgingly restored to them a crumb? For the terms of peace, little as these conceded, they were sincerely grateful, particularly to Mr. Gladstone, whom they honoured ever afterward; but when the British Government demanded “discount for cash” in the shape of the Convention, it became the hardest sort of work even to show a semblance of gratitude.

Nevertheless, according to most English writers, the “rich man” had shown unparalleled generosity. Here is

Sir Conan Doyle, for instance, referring to Great Britain's concession of the Pretoria Convention :

'It was the height of idealism, and the result has not been such as to encourage its repetition.' *

If it had been idealism, the result might have been different ; but it was not. Mean as the concession was, it was not prompted even by a redeeming motive. Mr. Bryce speaks on this subject with authority, because he was close in the confidence of the Government then in power, and what he states was confirmed publicly in 1899 by Lord Kimberley,† who was Secretary of State for the Colonies in 1881.

'The Boers of the Orange Free State,' says Mr. Bryce, 'had sympathised warmly with their kinsfolk in the Transvaal, and were with difficulty kept from crossing the border to join them. . . . The British Government were advised from the Cape that the invasion of the Transvaal might probably light up a civil war through the two Colonies. . . . The British Government, however, deemed the risk of it ['such a race conflict'] a real one, and *by that view their action was mainly governed.*' ‡

"Nothing has been done for Ireland unless under the influence of terror," said John Bright ; and he might have

* Conan Doyle, p. 19.

† In a speech at Newcastle on November 14th. See Morley's *Life of Gladstone*, vol. iii., footnote on p. 40.

‡ Bryce, pp. 162, 163. The attitude of Afrianders at that time was moderately but well expressed by the Ministers of the Dutch Reformed Church in Cape Colony, who showed that they understood their people, and who did not hesitate to place their knowledge at the disposal of the Imperial authorities. In a Memorandum presented to the Governor on February 23, 1881, they stated : "We are convinced that nothing short of the restoration of their independence will satisfy and appease the Transvaal people. . . . They cannot be coerced into a willing submission. *The success of the British arms will only tend to intensify their aversion to British rule, and to deepen the sympathy of the Dutch people in all South Africa with their grievances*" (C. 2866, p. 168). See also on this subject the remarks of a deputation which waited upon the Acting Governor of Cape Colony on December 24, 1880 (C. 2783, pp. 68-71) ; and the resolutions passed at public meetings in the Colony while the result of the war was still undecided (C. 2950, pp. 29-54).

said the same, with equal truth, of the Transvaal. Ninety per cent. of terror, and a ten per cent. mixture of common sense and philanthropy, would perhaps be a correct analysis ; for it must be added, in fairness to Englishmen such as John Bright was, and such as his few successors now are, that their love of liberty, their foresight and large-heartedness, have more than once, as in 1881, helped to force official Liberalism in the direction of liberal action.

CHAPTER XXI

LIBERALS, TORIES, COLONISTS, AND BOERS

DURING the Midlothian campaign of 1879 against Lord Beaconsfield's administration, Mr. Gladstone, as we have seen, had denounced the annexation of the Transvaal in strong terms. If the Transvaal had been as valuable as it was valueless, he had said, he would have repudiated its acquisition, because it had been obtained "by means dishonourable to the character of our country."* On another occasion, on the 26th of November 1879, he referred to the Transvaal as—

'A country [in connection with which] we have chosen most unwisely—I am tempted to say insanely—to place ourselves in the strange predicament of the free subjects of a Monarchy going to coerce the free subjects of a Republic, and to compel them to accept a citizenship which they decline and refuse.'†

Others, besides Mr. Gladstone, had denounced the annexation. Mr. Chamberlain had done so, and the Duke of Devonshire (then the Marquis of Hartington), as leader of the Opposition, in reply to the speech from the throne at the opening of Parliament in February, 1880, had spoken as follows :

* See *supra* p. 264.

† Quoted by Mr. Rylands in the House of Commons; Hansard, vol. cclvii. p. 1114.

‘Undoubtedly the chief difficulty in South Africa is the condition of the Transvaal, to which no reference has been made in Her Majesty’s speech. I believe that Papers on this subject are promised. I am not going to state at this time my opinion as to the policy which ought to be pursued there. I will only say that it is perfectly clear now that the annexation of the Transvaal was a measure adopted by the Government, and sanctioned by the House, under wrong impressions and under incorrect information. We were informed that a large majority of the European settlers and inhabitants of the Transvaal were in favour of that annexation. *It is now proved conclusively that a large majority, at all events, of the Boers are bitterly against it.* We are now told that the annexation was rendered necessary because we could not permit the foreign policy of the Government of the Transvaal in their dealings with the Natives; but we have been ourselves compelled to adopt almost precisely the same line of policy which was adopted by the Boers; and, under these two circumstances, I say it ought not to be considered a settled question, simply from the fact that the annexation had taken place. If it had been necessary for the peace of the community of South Africa that the Transvaal should devolve upon us, by all means let that be proved; but if, on the other hand, we find it would be more honourable to restore the Government, I say that no false sense of our dignity being involved in the question ought to stand in the way.’*

As soon as Mr. Gladstone came into office (April 23, 1880),† we have seen that he and his colleagues had refused to give practical effect to their disapproval of the annexation, and that, on May 12th, Lord Kimberley had cabled to South Africa that “the sovereignty of the Queen over the Transvaal could not be relinquished.” To quote the words of Mr. Chamberlain, speaking in the House of Commons not long before the outbreak of hostilities—

‘They did not come to their decision without a most careful examination of the documents before them; and the conclusion at which they

* Hansard, vol. ccl. p. 92.

† The Cabinet consisted of the Right Hon. W. E. Gladstone, Lord Selborne, Earl Spencer, Duke of Argyll, Earl Granville, Marquis of Hartington, Sir Wm. V. Harcourt, Earl Kimberley (Secretary of State for the Colonies), Rt. Hon. H. C. E. Childers, Earl Northbrook, Rt. Hon. John Bright, Rt. Hon. W. E. Forster, Rt. Hon. J. G. Dodson, and the Rt. Hon. Joseph Chamberlain. The Marquis of Ripon was the Viceroy of India.

[*i.e.*, the Ministry] arrived, after some hesitation and regret, but finally with no doubt whatever, was that, whatever they might think of the original act of annexation, they could not safely or wisely abandon the territory.' *

And this in spite of Lord Kimberley's declaration in the House of Lords, on May 24, 1880, that :

'It was clear that the great majority of them [the Boers] were now against it [the annexation].' †

Then came the War for Independence ; and then, speaking at Birmingham, on June 7, 1881, Mr. Chamberlain, in defence of his own and Mr. Gladstone's policy, made a most remarkable speech. Since then he has joined the ranks of the Tories, and appears to have changed all his opinions ; but he cannot so easily abandon his statements of fact :

'It has been proved to us,' he said, 'that the Boers are at all events brave soldiers, that they are skilled in the use of arms, that they are physically, at least, a match even for English soldiers. The Transvaal is a country as large as France—a wild and difficult country—and it is perfectly evident to every one that if we are to hold it down by force we must permanently maintain a number of troops at least equal to the number of our possible opponents. Well, we know also that the Orange Free State, which is a neighbouring territory, would make common cause with their co-religionists and men of the same nationality in the Transvaal ; and therefore I say that it is perfectly certain that not less than from 15,000 to 20,000 English troops must be permanently stationed there, if we are to hold that country by force and against the will of the inhabitants. . . .

'The Boers are not naturally a warlike race. They are a homely, industrious, but somewhat rude and uncivilised nation of farmers, living on the produce of the soil. They are animated by a deep and even stern religious sentiment, and they inherit from their ancestors—the men who won the independence of Holland from the oppressive rule of Philip II. of Spain—they inherit from them their unconquerable love of freedom

* Hansard, vol. cclvi. p. 908.

† Ibid., vol. cclii. p. 301.

and of liberty. Are not these qualities which commend themselves to men of the English race? Are they not virtues which we are proud to believe form the best characteristics of the English people? Is it against such a nation that we are to be called upon to exercise the dread arbitrament of arms? These men settled in the Transvaal in order to escape foreign rule. They had had many quarrels with the British. They left their homes in Natal as the English Puritans left England and went to the United States, and they founded a little Republic of their own in the heart of Africa. In 1852 we made a treaty with them; they agreed to give up slavery, which had hitherto prevailed in their midst [!], and we agreed to respect and to guarantee their independence; and I say under these circumstances is it possible we could maintain a forcible annexation of the country without incurring the accusation of having been guilty, I will not say of national folly, but I say of national crime? . . .

‘We are a great and powerful nation. What is the use of being great and powerful if we are afraid to admit an error when we are conscious of it? Shame is not in the confession of a mistake. Shame lies only in persistency in wilful wrong-doing. . . . I appeal to the impartial public opinion of Europe and of America, which has approved of the action of the Government in preferring justice to revenge, and the best interests of South Africa to the vain pursuit of military glory.’ *

Further than this, in the House of Commons, on July 25, 1881, Mr. Chamberlain is reported to have spoken as follows:

‘He submitted, therefore, for the consideration of the House two propositions. The first was, *that as soon as the Government became acquainted with the true feeling of the Boers*, as soon as it became manifest that to conciliate them with any offer short of absolute independence was impossible, *then the restoration of their independence was absolutely called for* by regard to our Treaty engagements and the honour of our country. Under the circumstances which he had described, to have continued to maintain the annexation would have been an act which he could only describe in terms which had been applied by a high authority to a different subject, as an act of “force, fraud, and folly.”’

* *The Right Hon. Joseph Chamberlain's Speeches* (Authorised Edition), pp. 17-21.

In the same speech he laid it down that :

‘He could see no distinction between private and public morality. He could not see how a great nation should be shamed by doing that which they should all consider admirable and right in a private individual.’*

Then, on another occasion, applying this principle to the case in question, he said :

‘It was a matter of the plainest downright honesty that having taken this territory under misapprehension to give it back, and it was a thing no honourable Government could have refused.’ †

The “misapprehension” had been that the majority of the Boers had desired British rule. It appears, therefore, that it was only after the war that this misapprehension was removed and that “the true feeling of the Boers” was revealed. Strange, in view of the statements made by the members of this Ministry both before and after they came into power! It will be remembered that the Duke of Devonshire had declared in February, 1880, that it was proved conclusively that a large majority of the Boers were bitterly against annexation; and that, in May, Lord Kimberley had vouched for the same fact, in almost the same words. One would suppose that something “proved conclusively” to the satisfaction of the Liberal leaders in February and May, 1880, could not well have struck them a few months later as a revelation.‡

They were certainly familiar with the records of the Blue

* Hansard, vol. cclxiii. pp. 1880, 1881.

† Quoted by Ogden, p. 227.

‡ *The Times History of the War in South Africa, 1899-1902*, naturally speaks with bitterness of Mr. Gladstone's conduct in this connection, forgetting (or not forgetting?) that Mr. Chamberlain was equally responsible for it. “The attempt,” it says, “to gloss over the surrender of British interests and the betrayal of British subjects by cant about the ‘magnanimity’ of restoring a brave little nation to freedom, and the ‘bloodguiltiness’ of continuing an unjust war, only puts Mr. Gladstone's action in a worse light. There were Englishmen who from the first had denounced the annexation as an unnecessary and unjustifiable act and had urged the immediate and unconditiona

Books, and, considering all that has been cited in these pages from that source, it is difficult to understand how such a misapprehension could in the first place have arisen, to be removed, only to arise again,* and again to be removed by nothing short of war. Surely no better proof could be adduced that for England to govern South Africa intelligently, is beyond the range of what is possible.

Of course the attitude of the Tories was different. Mr. Chamberlain, at a meeting held at Birmingham on March 30, 1883, defending his own policy in South Africa and attacking Lord Salisbury's opposition, said :

'Lord Salisbury, no doubt, has been consistent. He was in favour of the war in Zululand; he was in favour of the annexation of the Transvaal, he was in favour of maintaining the occupation of the country by force, even after it had become apparent that the annexation itself had been made on false information. If the Orange Free State, as most probably would have been the case, had joined with the Transvaal Boers, no doubt Lord Salisbury would have declared war on them too; and if, then—what was not at all unlikely—the whole Dutch population of the Cape had risen, Lord Salisbury, with a light heart, would have led this country into a war, more serious in its consequences, more certain to be fruitless of good results, than any war in which we have been

restoration of the Republic to the full independence it had enjoyed before 1877. Such a policy might have had some claim to be considered magnanimous, and its effects would have been far less mischievous than those of the policy which actually was pursued. But it was not Mr. Gladstone's policy. Mr. Gladstone's policy was first to refuse, then to give in after defeat from fear of further defeat, and finally to haggle with the victors for the best terms that they might be disposed to grant to the vanquished. It was a policy of pusillanimity, not of magnanimity. To try and veil the disgrace of it by fine phrases was the most contemptible form of hypocrisy. The pretence imposed on nobody in South Africa, least of all on the Dutch" (vol. i. p. 71). But to describe Mr. Chamberlain as having "haggled"; to speak of his policy as "mischievous"; to suggest that he was guilty of "hypocrisy," surely this is strong language, even for the *Times*.

* Accepting Mr. Chamberlain's statement and ignoring, without in the least questioning, Lord Kimberley's.

engaged since the time when we tried to compel the allegiance of the American Colonies.' *

The fact is that if it required a surgical operation in the shape of a war to remove the misapprehension under which, according to Mr. Chamberlain, the Liberal Government had been labouring, the Tories could justly claim that whether the Transvaal was occupied by black men or by white, by Dutch or by English; whether the majority were in favour of British rule or detested it; whether Shepstone had reported truly or untruly—were matters that in no way affected the policy favoured by them. For the country was known to be rich, and therefore ought to be held. At what cost, they did not appear to consider. Like Shepstone himself, they looked to the triumph of the moment, to the results of to-morrow. Either they were incapable of looking further, or they were indifferent to what might happen when their own generation had passed away. Perhaps they thought, and this is also likely, that Nature was made for the British Empire and that causes have none but desired effects where that Empire is concerned. In any case, war or no war, it was incredible to them that the Boers—that any men but Englishmen—could really love their liberty. Sir Henry Holland (afterward Lord Knutsford) expressed this sentiment in a debate in the House of Commons on July 25th, 1881, and voiced, not only the opinion of the Tory leaders, but the intelligence of British Jingoism, past, present, and to come :

'He ridiculed also the idea of any longing for independence on the part of the Boers. The outbreak was a sudden act, a spark lighting up smouldering disaffection which might have been stamped out, or which would have died out, if a firm hand had been used.' †

* *The Right Hon. Joseph Chamberlain's Speeches* (Authorised Edition, pp. 42, 43).

† *Annual Register*, 1881, p. [156]. See also Hansard, cclxiii. p. 1811.

And Lord Knutsford became Secretary of State for the Colonies under Lord Salisbury!

Turning to the Transvaal itself, the attitude of the aggressively loyal among the English residents, after the War for Independence, compares curiously with that of the Boers.* Sir Conan Doyle frankly admits that ever since that time "the British Africander has yearned with an intensity of feeling unknown in England for the hour of revenge": † and Doyle seeks to justify this edifying sentiment—a task which he might have left safely in the hands of the dignitaries of the English Church.

Prayers for revenge, however, were preceded by frantic efforts to have the terms of peace set aside. "I feel convinced," said Mr. Nixon—on behalf of a deputation representing the "Loyals" that waited upon the Royal Commission on May 28, 1881—"from what has been said to us by certain persons who have been in Newcastle during the time we have been here, that there will be a civil war in the Transvaal when the country is given back." ‡ Not only this, but, as was declared by the Chairman of a "Loyalist Refugee Meeting" at Kimberley, "the whole system of the Government of the country will be one of anarchy, and they will be unable, whatever leaders they have, to resist the united power of the natives," for "when all the blacks rise against them," there will be no means of defence; and so forth.§

* Needless to say there were British subjects in the Transvaal, then as now, who were "loyal," not to racial prejudice, but to their sense of justice and to the land where they had found a home. There were others again who, apart from any feeling of loyalty, preferred a Republican government to the rule of the English Colonial Office and who sympathised cordially with the cause of the Boers.

† Doyle, p. 21.

‡ C. 3114, p. 205.

§ Ibid., p. 209. Mr. Krüger, according to Sir T. Shepstone, even before the annexation "*more than once said that he was perfectly easy in regard to their power to deal successfully with the Zulu or any other native tribe, or with all combined*" (see *supra*, p. 200).

It will be remembered that in 1879, as a counterblast to the Boers' Memorial to the Queen, the Pretoria Chamber of Commerce had solemnly resolved "that it is the opinion of this Chamber, that were the British Government to withdraw from the country, *a civil war would certainly ensue*, and the country would be overrun by the Kaffirs and become untenable for the white man." *

The humour of this declaration had been realised perfectly by the Boers, and, assuredly, by the Chamber of Commerce also. But in England, thanks to the misleading representations of officials on the spot, such threats had been treated as an effective offset to the Boer Memorial. In fact, it appears to have been fear of a civil war as much as anything that led Mr. Gladstone, after coming into office, and after studying the official reports on the subject, to reverse the Transvaal policy which he had formulated during his Midlothian campaign.

Not long before the war, Mr. Gladstone's Under-Secretary of State for the Colonies (Mr. Grant Duff), speaking in the House of Commons, and defending the extraordinary conduct of the Cabinet, had said :

'In the Transvaal itself, the anti-British party was getting weaker, and the pro-British party stronger. If England were to retire from the Transvaal what would happen? Would the men of English race all leave the country? No, indeed. The first thing that would happen would be a civil war between the pro-British and the anti-British party.' †

Lord Kimberley, on May 24, 1880, in the House of Lords, had expressed the same fear in other words :

* See *supra*, p. 253.

† Quoted by Molteno, vol. ii. pp. 444, 445. According to Hansard, vol. cclvi. p. 876, the same speaker, on August 31, 1880, had said: "The strength of that party [the anti-British] has been diminishing with every month that has passed over it." Compare also his speech of May 21, 1880, in Hansard, vol. ccliii. p. 275, in which he referred to "the danger of a civil war between English settlers and the Boers."

‘The effect of our now reversing our policy would be to leave the Province in a state of anarchy, and possibly to cause an internecine war. For such a risk he could not make himself responsible.’*

The facts which the war brought to light appear to have opened the eyes of the Ministry to the extent that they realised at last, when it was too late, that as soon as they had come into power they had been misled outrageously by officials in London and in South Africa; and to the further extent, that when the war was over, the renewed threats of the English Jingoos in the Transvaal no longer terrified them. For the war proved conclusively that the so-called Loyalists were full of bluster, but that, unsupported by overwhelming masses of British troops and hired Kaffirs, they were by no means formidable opponents, and that they were loyal only when it suited them to be so.

Ministers had learned, for instance, that shortly before the Boers took up arms, General Colley had telegraphed to Sir Owen Lanyon at Pretoria, “What local forces can you enrol if necessary?”—and that the Administrator had replied by letter (November 26, 1880):

‘Owing to the circumstances in which this province was annexed, and the fact that all the people well disposed towards the Government are mixed up with and dependent on the Boers in trade and other pursuits, it is impossible that the Government can rely upon them for that material assistance which might be expected in other places, and this fact has been recognised by the Home Government to a great extent.’†

Then, after the outbreak of hostilities, Sir Owen Lanyon had reported:

‘I regret to have to state that in some instances the young men of the town were prevented from following the dictates of their loyalty by their employers, who feared to lose some of their Boer customers

* Hansard, vol. cclii. p. 301.

† C. 2783, pp. 40, 41.

should it become known that their employés had joined the volunteers. Others held back from motives of false prudence or from a dislike to be under military control.*

The Administrator had been obliged, therefore, to proclaim Martial Law in order to compel enlistment. Even then the "volunteers" (who received five shillings a day and free rations) had been forced to abandon the town of Pretoria and to go into laager. There they had been shut up by a handful of the burghers, so effectually, that, with the exception of two or three reconnaissances which had cost them dearly in killed and wounded but which had been fruitless otherwise, they had been unable to stir until the struggle was over.

Things had not gone smoothly within the laager either. The four and only doctors who remained there during the siege "thought proper," according to the officer in command, Colonel Bellairs, "after working satisfactorily for four weeks in the medical posts assigned to them, to send in a round robin, demanding not less than five guineas a day each for their services, and on this not being conceded, but pay at one guinea a day with rations being sanctioned (the rate paid to English Civil Surgeons during the Zulu war) they sent in their resignation"! †

From Potchefstroom also, immediately after the outbreak of hostilities, Colonel Winsloe had reported (December 16, 1880):

'Not a volunteer is forthcoming, and nearly the whole town are to all appearance on the side of the enemy.' ‡

At Standerton, too—

'It was found that volunteers came in but slowly, many making excuses for not joining. Pressure became necessary.' §

* C. 2838, p. 5.

† C. 2866, p. 104.

‡ C. 2838, p. 8.

§ *The Transvaal War*, by Lady Bellairs, p. 331.

While, at Lydenburg, it not only "became evident that no aid could be expected from the townspeople without pressure such as the small detachment of troops was unequal to exercising over them," but—

'Even the English and so-called loyal portion, with but very few exceptions, looked solely to their own personal interests, and considered that these would be best served by abstaining from siding with or in any way favouring the military.' *

Mr. Nixon, who has been quoted above as representing the "Loyals" before the Royal Commission in May, 1881, wrote a book a few years later which he modestly entitled *The Complete Story of the Transvaal*. He and his statements are typical of the class he represented. He had not been long in the country, and seems to have had no intention of remaining there. Most of the space which he does not devote to accusing the Boers of practising slavery (and on this point he confesses himself obliged to rely upon lengthy hearsay), he gives to fierce denunciation of the Liberal Ministry, including Mr. Chamberlain, and to accusations against the British regulars of cowardice and drunkenness during the war.

He describes, for instance, what he calls elsewhere "the cowardly behaviour of the military at the last great sortie" from Pretoria, saying that after their commanding officer was wounded—

'The regulars lost heart, and at last took to their heels and bolted, without firing a shot, some of them throwing their guns away as they ran. If it had not been for the mounted volunteers the guns would have been captured. . . . The mounted men [uitlander volunteers] protected as well as they could the retreat of the panic-stricken soldiers, who did not recover from their fright till they reached Pretoria. . . . In the camp laager a riot ensued that night. The carbineers and

* *The Transvaal War*, by Lady Bellairs, p. 302.

artillery, who considered they had been deserted by the 2nd-21st, turned out in force, and made an attack upon them. The row began with taunts, but went on to blows, and the officers had great difficulty in patching up a peace, and did not succeed in doing so till some bloody heads and noses had resulted.*

Again :

‘On one occasion, after the sortie at Elandsfontein, when Captain Gildea attempted to lay the blame of the retreat on a volunteer officer, the whole of the Carbineers threatened to resign in a body ; and nothing but a sense of the peril of our position restrained them from doing so.’†

He announces also that after the battle at Bronkhorst Spruit some of the regulars broke open a case of brandy, and that, “but for the help of the Boers many of the wounded would have at first been uncared for, so many of their own friends being in such a state of beastly intoxication as to be unable to render any assistance.” ‡

So it does not seem that the Loyalists were grateful for having been compelled to fight against the Boers ! And when they found that the Blue Books told a tale which made further talk of civil war ridiculous, they returned to business, and, as Sir Conan Doyle says, “yearned with an intensity of feeling unknown in England for the hour of revenge”—at England’s expense.

The Transvaal Boers, on the other hand, assembled at Paardekraal (December 13, 1881), for “a festival of the people, for the worship of God, where all who have suffered, striven, and prayed with us may thank the gracious Father who has saved us,” as the Government Notice announced. At this mass-meeting General Joubert, epitomising the remarks of all the other Transvaal burghers who had spoken, said :

* Nixon, pp. 204-207.

† Ibid., p. 188.

‡ Ibid., p. 214.

'The world says, the Boers are good shots, and therefore they have gained the victory. But how to account for the good shooting on the other side? That at least we could not prevent. No, it is not the good shooting of the Boers that has procured for us the victory, but the Lord's help. The Lord has done it' (C. 3098, p. 152).

And they meant what they said.

CHAPTER XXII

THE LONDON CONVENTION

GRATEFUL as the Boers were in the sense conveyed by General Joubert in the passage just quoted, the longer they lived under the provisions of the Pretoria Convention, the less cause they found to be grateful to the British Government. In that Convention every vital issue had been compromised, and the objections of the Volksraad to its ratification were sustained, one and all, by experience. It was a hopelessly unworkable instrument. They were a Republic, but Great Britain was their Suzerain; they had a debt, but they had incurred only part of it; they were responsible for the government of the natives, but were not allowed to control them; they had been given a boundary, but, instead of being their old boundary, it was a compromise between that and the boundary improvised by Governor Keate.

Toward the end of 1883 the situation became almost insupportable. A deputation was sent, therefore, to England to see if experience had not proved to the satisfaction of the British Government also that compromise had failed and that it would be wiser to restore to the Boers the rights that had been acknowledged as theirs in the Sand River Convention of 1852.

It was a supreme opportunity for the Imperial authorities. Needless to say they missed it. Once more, they might

have made the Republic a staunch ally; they might have given South Africa a lasting peace—simply by being just and by making full reparation for the wrong that had been done. Instead of that, they compromised again.

President Krüger and the other members of the deputation were perfectly candid :

‘In the opinion of the Deputation,’ they wrote to Lord Derby, then Secretary of State for the Colonies, ‘a satisfactory settlement of mutual relations will not result from the modification of certain articles of the present Convention, but can only be expected from a new arrangement. The Deputation consider it their duty to urge this with the more earnestness, because *Her Majesty’s Government would entirely mistake the feelings of our people should they suppose that either the present or the coming generation can ever rest in satisfaction unless the Sand River Convention be again recognised as the historical basis of the new arrangement.* The just conviction that this treaty still continues to have its binding force upon the British Government as well as upon our own, can never be abandoned by our people, not only because the said treaty is the reward of incredible sacrifices, but also because our people would continue to feel themselves menaced by the proximity of Her Majesty’s power in South Africa, as long as the opinion can take root that a treaty concluded in the most solemn manner and in due form can no longer be considered as the basis of unlimited reciprocal confidence.

‘It may be that the people of the South African Republic will even now thankfully accept from Her Majesty’s Government some alleviation of the burden imposed upon them, but whatever concessions Her Majesty’s Government may be prepared to make, the reciprocal confidence between the British and Dutch colonists will then only revive, when Her Majesty’s Government also accept the Sand River Convention as the historical basis of all further arrangements. Any settlement not founded upon this basis cannot but be of a merely temporary character—only upon this basis can a permanent settlement be secured.’*

In reply to this, Lord Derby wrote :

Her Majesty’s Government do not reject the proposal that there should be a new Convention, as preferable to a modification of the existing Transvaal Convention, and while they are prepared to consider

* Dated from London, November 14, 1883 ; C. 3947, p. 4.

whether provisions similar to some of the provisions of the Sand River Convention may not be adopted, it is desirable that you should understand that that Convention does not in fact now exist, and that if the Convention of 1881 is to be superseded, there must be a new instrument.*

Lord Derby need not have impressed upon the understanding of the Boers that the Sand River Convention "does not *in fact* now exist." They knew it. And they saw that he had not answered their point, and that it was useless to appeal either to the conscience or to the wisdom of Her Majesty's Government. But Lord Derby had realised that the Pretoria Convention was unworkable, and he could not have been entirely ignorant of the fact that, in many respects, it had violated the terms of peace upon which it was supposed to have been based. So, to that extent, the Deputation hoped to find him, and did find him, amenable to reason, although even then, unfortunately, his reason did not carry him far. He would have nothing to do with a draft Treaty which the deputation submitted for his approval on November 26, 1883. It was, he said, "neither in form nor in substance such as Her Majesty's Government could adopt, but I will not now enter into a detailed examination of it." †

A thoroughly typical version of this incident is given in *The Times History of the War in South Africa, 1899-1902*. It says:—

'They [the Boer delegates] enclosed a draft treaty embodying their ideas. This was asking a little too much. Lord Derby replied that the proposed treaty was "neither in form nor in substance such as Her Majesty's Government could adopt," and gave the delegates to understand clearly that there could be no question of withdrawing the Queen's Suzerainty' ‡

* C. 3947, p. 7.

† Ibid., p. 18.

‡ Vol. i. p. 75.

Now, in Lord Derby's reply, from which certain words are given correctly in the above, there is not the slightest reference, direct or indirect, to Suzerainty. The reply merely states that the boundary question must be settled before the other points of the proposed new Convention can be discussed. But the *London Times*, for argumentative and partisan purposes, alleges that in a certain letter Lord Derby made a statement which, in fact, he did not make; quotes correctly some words of minor importance and in the same sentence inserts a vitally misleading fabrication; mixes the smallest possible quantity of truth with the largest possible quantity of falsehood, and calls the product History.*

* The following is the full text of Lord Derby's reply, which, though otherwise unimportant, is given here (from C. 3947, p. 18) for purposes of verification.

"DOWNING STREET, November 29, 1883.

"GENTLEMEN,—I have the honour to acknowledge the receipt of your letters of the 23rd and 26th instant.

"2. The draft Treaty which you have submitted in the second of these letters is neither in form nor in substance such as Her Majesty's Government could adopt, but I will not now enter into a detailed examination of it, as it would be premature to consider the language in which reference should be made to any subject until some understanding has been arrived at with respect to that subject.

"3. Her Majesty's Government would, moreover, not be able to accept as satisfactory the suggestion made in the statement with regard to the western boundary (also inclosed in your letter of the 26th instant), that it should be considered separately hereafter whether the boundaries which you now propose to define in a permanent instrument should subsequently be modified.

"4. I have the honour to request that you will again refer to my letter of the 20th instant, in which you will find it stated that after consideration of your first communication Her Majesty's Government felt it necessary that before examining your proposals they should receive some satisfactory assurance that you are ready to agree to such a definition of the western boundary of the Transvaal as will place outside the State those Native Chiefs and tribes who object to come within it.

"5. You are no doubt aware that there is a strong feeling in this country in favour of the request of these Chiefs that their independence may be secured if they cannot come under British rule, and what I desired to explain to you was that Her Majesty's Government cannot consider any other points until it has been definitely settled with you that the boundaries of the Transvaal, if extended beyond the line now fixed by the Convention of 1881, shall not include the territory which it is desired to reserve for these Chiefs and their people.

"6. It is necessary that the question of the western boundary of the

The draft Treaty, suggested by the deputation, contained a clause on the subject of arbitration that is conspicuous by its absence from the Convention ultimately formulated by Lord Derby. The clause is worthy of note as evidence of the constant effort of the Boers to arrange for the settlement, on a basis of reason and equity, of all disputes between themselves and the British Government. They have been described by their enemies as "uncivilised," but their effort in this respect, and the almost invariable refusal of the British to allow of any arbitrament but that of the sword, suggests a comparison by no means unfavourable to the Boers.

The deputation suggested that "Article VIII." of the Treaty to be entered into should read as follows:

'Any controversies which may arise respecting the interpretation or the execution of the present Treaty, or the consequences of any violation thereof, shall be submitted, when the contracting parties cannot come directly to a satisfactory arrangement, to the decision of a commission of arbitrators.

'The commission of arbitrators shall be selected by both parties, so that each of the parties shall nominate an arbitrator, or an equal number of arbitrators, as the case may require.

'If the arbitrators, or a majority of them cannot agree, the controversy shall be submitted to the decision of the President of the United States of America, and on his refusal, to the decision of the head of another independent power.

'The decision of the arbitrators, and if they cannot agree, the decision of the President of the United States of America, or of the substituted power, shall be binding upon both contracting parties.'*

Transvaal shall be settled on this principle before any further points can be considered; and on hearing from you that you understand this stipulation, I shall have pleasure in sending for your consideration a map, showing what extension of the present boundary of the Transvaal Her Majesty's Government can agree to, and in further explaining the conditions to which that concession would be subject.

"I have, etc.

"(signed) DERBY."

"MESSRS. KRÜGER, DU TOIT, and SMIT."

* C. 3947, p. 11.

Not only have the South African Republic and Orange Free State urged, time after time, the adoption by Great Britain of some such provision as the above, but the Afrianders of Cape Colony, as late as May, 1900, at a People's Congress, passed a resolution—"that the Colonies should have the right to enter into treaties of obligatory arbitration with the Republics for the settlement of all disputes affecting the internal affairs of the South African Continent," pointing out that if this were allowed, and if the two Republics were to have "their unqualified independence," then it would be "as unnecessary for the Republics as for the Empire to maintain standing military forces in South Africa, seeing that the independence of the Republics would no longer be threatened, and that, in the event of a foreign invasion of British South African territory, the citizens of the Republics as well as the Colonists would be prepared to repel the attack." *

But in 1883, as in 1900, British statesmen were not sufficiently far-seeing to realise that the adoption of such suggestions would have benefited the Empire at least as much as the Republics. They preferred dictation to arbitration; the paramountcy of the sword to the paramountcy of law and order. They might have assured the existence of willing though independent Associate-States, but, instead of this, they reserved to themselves 'the right of might' to reduce, at any moment, these independent States to a condition of unwilling subjection. It was a fatal mistake, as events have proved, with gathering force, from that day to this.

Nevertheless, although the delegates did not succeed in converting the British Government to their views on arbitration, they did succeed in obtaining the abolition of the Suzerainty. But they paid dearly for it, seeing that

* See *South African News* of June 1 and 2, 1900.

they were obliged, in exchange for this concession, to agree to a new south-western boundary which they were well aware would aggravate rather than pacify the inter-tribal disputes of the natives in that quarter.* Sir Hercules Robinson, the High Commissioner—who was in London at the time, and whose opinions Lord Derby did little more than echo—made it clear from the first that the Suzerainty would be annulled only if the delegates accepted this boundary. On November 23, 1883, he wrote :

‘If this all-important question of the boundaries be once placed upon a proper footing, I should then, under all the existing circumstances, be disposed to give the Transvaal, as far as practicable, the same amount of independence as is enjoyed at present by the Orange Free State within its clearly defined borders. If the suzerainty be abolished, I do not see that it matters the least whether the Transvaal burghers call themselves the South African Republic or the Transvaal State.’†

Finally—in a Minute of December 26, 1883, in which it was argued that this boundary was the only one which could save the British Government “from very serious embarrassments”—Sir Hercules put the matter bluntly as follows :—

‘I think every effort should still be made to induce the Transvaal delegates to agree to it. Should this fail, I do not see what is to be gained by negotiating with them on the other points. Why should Her Majesty’s Government give up the debt, the Suzerainty, the conduct of diplomatic intercourse, and all the other restrictions in the Pretoria Convention which the delegates desire to get rid of, if they on their part are not willing to make any concession whatever or any sacrifice in return?’‡

* This question of the boundary must be reserved for consideration later, as it gave rise to a most complicated situation, and to an armed expedition under Sir Charles Warren in 1885.

† C. 3841, p. 106.

‡ Ibid., p. 145. These important communications from Sir Hercules Robinson are not given in the *Correspondence respecting the Convention concluded with the South African Republic* (C. 3947), but are stowed away in an earlier and less obtrusive Blue Book which consists, for the most part, of despatches in regard to the doings of certain natives in Bechuanaland.

So the delegates at last made the sacrifice demanded of them—they agreed to an objectionable and mischievous boundary—and thus bought from the British Government the withdrawal of those restrictions on their independence—including, first and foremost, the Suzerainty—which, as the High Commissioner said, they so greatly wished to be rid of.

Shortly after this had been arranged Lord Derby wrote (February 4, 1884) that he had “given directions for the preparation of a draft of the first Article of the proposed new Convention,” and that this would be forwarded to the deputation as soon as completed. The delegates replied on the following day that they would be glad to receive this draft, adding that—

‘In connection herewith, we would respectfully submit to your Lordship’s consideration whether it would not be possible to have the other Articles of the new Convention, namely, *those referring to the abolition of the Suzerainty* and to the reduction to its legal proportions of the debt of the Republic, simultaneously drawn up and communicated to us, in order to accelerate the complete settlement of the matter.’ *

Lord Derby complied with this request, and, after a personal interview and some further correspondence respecting the debt, wrote to the deputation on February 15, 1884, enclosing “a draft of the new Convention which Her Majesty’s Government propose in substitution for the Convention of Pretoria.” †

In this draft, a reduced reproduction of the Preamble and conclusion of which, as prepared by Lord Derby, is printed on next two pages, it will be observed that every reference to Suzerainty appearing in the old Convention is struck out from the new. ‡

* C. 3947, p. 40.

† Ibid., p. 43.

‡ C. 9507, pp. 26, 27; and Green Book of the South African Republic, No. 2 of 1898. It will be understood that, on the next page, the first paragraph, “within a black line,” is the Preamble of the 1881 Convention, “proposed to be omitted.”

A CONVENTION CONCLUDED BETWEEN HER MAJESTY THE QUEEN,
&c., &c., AND THE SOUTH AFRICAN REPUBLIC.

NOTE.—*The words and paragraphs bracketed or printed in italics are proposed to be inserted, those within a black line are proposed to be omitted.*

Her Majesty's Commissioners for the settlement of the Transvaal Territory, duly appointed as such by a Commission passed under the Royal Sign Manual and Signet, bearing date the 5th of April 1881, do hereby undertake and guarantee, on behalf of Her Majesty, that from and after the 8th day of August 1881, complete self-government, subject to the suzerainty of Her Majesty, Her Heir and Successors, will be accorded to the inhabitants of the Transvaal Territory, upon the following terms and conditions, and subject to the following reservations and limitations:—

Whereas the Government of the Transvaal State, through its Delegates, consisting of Stephanus Johannes Paulus Kruger, President of the said State; Stephanus Johannes Du Toit, Superintendent of Education; Nicholas Jacobus Smit, a member of the Volksraad, have represented to the Queen that the Convention signed at Pretoria on the 3rd day of August, 1881, and ratified by the Volksraad of the said State on the 25th October, 1881, contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved; and that the south-western boundaries fixed by the said Convention should be amended, with a view to promote the peace and good order of the said state, and of the countries adjacent thereto; and whereas Her Majesty the Queen, &c., &c., has been pleased to take the said representations into consideration: Now, therefore, Her Majesty has been pleased to direct, and it is hereby declared that the following articles of a new Convention signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the most Distinguished Order of Saint Michael and St. George, Governor of the Colony of the Cape of Good Hope, and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic,* by the above-named Delegates, Stephanus Johannes Paulus Kruger, Stephanus Johannes Du Toit, Nicholas Jacobus Smit, shall when ratified by the Volksraad of the South African Republic, be substituted for the Articles embodied in the Convention of 3rd August, 1881; which latter, pending such ratification, shall continue in full force and effect.

* The omission of the enclosing bracket is in faithful imitation of the English Blue Book.

[The conclusion, on the last page of the draft, was given as follows:—]

Signed at Pretoria *London* this 3rd day of August
1881.

HERCULES ROBINSON,

President and High Commissioner.

EVELYN WOOD, Major-General,

Officer Administering the Government.

J. H. de VILLIERS.

We, the undersigned, Stephanus Johannes Paulus Kruger, Martinus Willem Pretorius, and Petrus Jacobus Joubert, as representatives *delegates* of the Transvaal Burgers, *South African Republic*, do hereby agree to all the above conditions, reservations, and limitations, under which self-government has been restored to the inhabitants of the Transvaal Territory, subject to the suzerainty of Her Majesty, Her Heirs and Successors, and we agree to accept the Government of the said Territory, with all rights and obligations thereto appertaining, on the 8th day of August 1881, and we promise and undertake that this Convention shall be ratified by a newly elected Volksraad of the Transvaal State *South African Republic* within three months from this date.

Signed at Pretoria, *London*, this 3rd day of August
1881.

S. J. P. KRUGER.

M. W. PRETORIUS.

P. J. JOUBERT.

In that form and manner the new Preamble, in place of the old one, was accepted by the deputation.* Suzerainty was not heard of for nearly fourteen years. Can it be believed that in October, 1897, Mr. Chamberlain suddenly denied that the Suzerainty had been abolished, and that he based his claim upon the extraordinary pretence that the Preamble of the 1881 Convention had been retained—the Preamble that had deliberately been struck out by Lord Derby, and for which a new Preamble had as deliberately been substituted?

But Mr. Chamberlain's claim, and the pretence upon which it was based, must be dealt with later.†

When forwarding this draft of the proposed new Convention to President Krüger and the other delegates, Lord Derby pointed out that :

‘By the omission of those Articles of the Convention of Pretoria which assigned to Her Majesty and to the British Resident certain specific

* The only alteration made was the omission of the words “to the Queen,” in the phrase “have represented to the Queen that the Convention,” etc.

† For the moment it is sufficient to remind the reader of the interview with Sir Hercules Robinson which appeared in the *Saturday Review*, and which was quoted in the despatch of April 16, 1898, from the Government of the South African Republic, on the subject of the Suzerainty. It was then said (C. 9507. p. 9) : “This Government is of opinion that in this respect it may also refer to the very important declaration of Sir Hercules Robinson, afterwards Lord Rosmead, made shortly before his demise, in an interview with the editor of the *Saturday Review* and published in that paper. Her Britannic Majesty's Government have, if necessary, better opportunities than this Government of ascertaining the perfect correctness of these utterances, but the statements are so fully in accordance with the grounds put forward in this despatch against the existence of a Suzerainty, and the words of Sir Hercules Robinson, being himself one of the contracting parties who signed the Convention, appear to this Government to be of so much weight, that it has felt compelled to quote them. ‘People in England insist,’ said Mr. Harris to Lord Rosmead, ‘that the Suzerainty was implied in the 1884 Convention as it was explicit in that of 1881; Is this true?’ Lord Rosmead replied, according to the published report of the interview, literally as follows: ‘Well I ought to know, as I drafted it. The meaning “Suzerainty” was withdrawn, and the word left out purposely. Krüger was not content with the 1881 Convention, because of the claim to Suzerainty, and we meant to withdraw the claim in 1884. What's the good of claiming more power than you have got?’” And, it should be added, Lord Rosmead never withdrew or modified his statement.

powers and functions connected with the internal government and the foreign relations of the Transvaal State, your Government will be left free to govern the country without interference, and to conduct its diplomatic intercourse and shape its foreign policy subject only to the requirement embodied in the fourth Article of the new draft, that any treaty with a foreign State shall not have effect without the approval of the Queen.*

On February 27, 1884, the Convention was duly signed in London by the representatives of the two Governments. It was entitled: "A Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic."†

On the return of President Krüger and the other members of the deputation to South Africa, they reported to the Volksraad of the Republic (July 28, 1884) that in some respects their mission had been successful, in others not. In regard to the New Convention and the abolition of the Suzerainty they said (to quote the "Translation made in Colonial Office"): ‡

'Your Deputation, leaving the judgment of the said Convention entirely to your wisdom, and declaring itself ready to give all explanations desired in dealing with it, wishes, with all discretion, to refer to some principal points in which this London Convention is distinguished from the Convention of Pretoria.

'a. It is drawn up in both tongues, Dutch and English, with equal validity. Your Deputation wishes to observe here that they used the Dutch tongue in all negotiations, merely adding to their documents a literal translation in English.

'b. It is entirely bilateral, whereby your representatives were not placed in the humiliating position of merely having to accept from a Suzerain Government a one-sided document as rule and regulation, but whereby they were recognised as a free contracting party.

* Despatch of February 15, 1884; C. 3947, pp. 43, 44.

† The full text of the London Convention is given at the end of this Chapter.

‡ C. 9507, p. 24.

'c. *It makes, then, also an end of the British Suzerainty, and, with the official recognition of her name, also restores her full self-government to the South African Republic, excepting one single limitation regarding the conclusion of treaties with foreign powers (Article IV.). With the Suzerainty the various provisions and limitations of the Pretoria Convention which Her Majesty's Government as Suzerain had retained have also, of course, lapsed.*'

On this distinct understanding, so stated at the time and publicly announced without correction by Great Britain; and because, as their resolution expressed it, of this "restoration of the country's independence," the Volksraad, on August 8, 1884, formally ratified the London Convention.

THE LONDON CONVENTION.

A CONVENTION BETWEEN HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND THE SOUTH AFRICAN REPUBLIC.

Whereas the Government of the Transvaal State, through its Delegates, consisting of Stephanus Johannes Paulus Krüger, President of the said State, Stephanus Jacobus Du Toit, Superintendent of Education, and Nicholas Jacobus Smit, a member of the Volksraad, have represented that the Convention signed at Pretoria on the 3rd day of August, 1881, and ratified by the Volksraad of the said State on the 25th October, 1881, contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved, and that the south-western boundaries fixed by the said Convention should be amended, with a view to promote the peace and good order of the said State, and of the countries adjacent thereto; and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has been pleased to take the said representations into consideration: Now, therefore, Her Majesty has been pleased to direct, and it is hereby declared, that the following articles of a new Convention, signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of the Cape of Good Hope, and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic) by the above-named Delegates, Stephanus Johannes Paulus Krüger, Stephanus Jacobus Du Toit, and Nicholas Jacobus Smit, shall, when ratified by the Volksraad of the South African Republic, be substituted for the articles embodied in the Convention of 3rd August, 1881; which latter, pending such ratification, shall continue in full force and effect.

Article I. The Territory of the South African Republic will embrace the land lying between the following boundaries, to wit:

Beginning from the point where the north-eastern boundary line of Griqualand West meets the Vaal River, up the course of the Vaal River to the point of junction with it of the Klip River; thence up the course of the Klip River to the point of junction with it of the

stream called Gansvlei; thence up the Gansvlei stream to its source in the Drakensberg; thence to a beacon in the boundary of Natal, situated immediately opposite and close to the source of the Gansvlei stream; thence in a north-easterly direction along the ridge of the Drakensberg, dividing the waters flowing into the Gansvlei stream from the waters flowing into the sources of the Buffalo, to a beacon on a point where this mountain ceases to be a continuous chain; thence to a beacon on a plain to the north-east of the last described beacon; thence to the nearest source of a small stream called "Division Stream"; thence down this division stream, which forms the southern boundary of the farm Sandfontein, the property of Messrs. Meek, to its junction with the Coldstream; thence down the Coldstream to its junction with the Buffalo or Umzinyati River; thence down the course of the Buffalo River to the junction with it of the Blood River; thence up the course of the Blood River to the junction with it of Lyn Spruit or Dudusi; thence up the Dudusi to its source; thence 80 yards to Bea. I., situated on a spur of the N'Qaba-Ka-hawana Mountains; thence 80 yards to the N'Sonto River; thence down the N'Sonto River to its junction with the White Umvulosi River; thence up the White Umvulosi River to a white rock where it rises; thence 800 yards to Kambula Hill (Bea. II.); thence to the source of the Pemvana River, where the road from Kambula Camp to Burgers' Lager crosses; thence down the Pemvana River to its junction with the Bivana River; thence down the Bivana River to its junction with the Pongolo River; thence down the Pongolo River to where it passes through the Libombo Range; thence along the summits of the Libombo Range to the northern point of the N'Yawos Hill in that range (Bea. XVI.); thence to the northern peak of the Inkwakweni Hills (Bea. XV.); thence to Sefunda, a rocky knoll detached from and to the north-east end of the White Koppies, and to the south of the Musana River (Bea. XIV.); thence to a point on the slope near the crest of Matanjeni, which is the name given to the south-eastern portion of the Mahamba Hills (Bea. XIII.); thence to the N'Gwangwana, a double-pointed hill (one point is bare, the other wooded, the beacon being on the former), on the left bank of the Assegai River and upstream of the Dadusa Spruit (Bea. XII.); thence to the southern point of Bendita, a rocky knoll in a plain between the Little Hlozane and Assegai Rivers (Bea. XI.); thence to the highest point of Suluka Hill, round the eastern slopes of which flows the Little Hlozane, also called Ludaka or Mud-spruit (Bea. X.); thence to the beacon known as "Viljoen's," or N'Duko Hill; thence to a point north-east of Derby House, known as Magwazidili's Beacon; thence to the Igaba, a small knoll on the Ungwempisi River, also called "Joubert's Beacon,"

and known to the natives as "Piet's Beacon" (Bea. IX.); thence to the highest point of the N'Dhlovudwalili or Houtbosch, a hill on the northern bank of the Umgwempisi River (Bea. VIII.); thence to a beacon on the only flat-topped rock, about 10 feet high and about 30 yards in circumference at its base, situated on the south side of the Lamsamane range of hills, and overlooking the valley of the great Usuto River; this rock being 45 yards north of the road from Camden and Lake Banagher to the forests on the Usuto River (sometimes called Sandhlanas Beacon) (Bea. VII.); thence to the Gulungwana or Ibubulundi, four smooth bare hills, the highest in that neighbourhood, situated to the south of the Umtuli River (Bea. VI.); thence to a flat-topped rock, 8 feet high, on the crest of the Busuku, a low rocky range south-west of the Impulasi River (Bea. V.); thence to a low bare hill on the north-east of, and overlooking the Impulasi River, to the south of it being a tributary of the Impulasi, with a considerable waterfall, and the road from the river passing 200 yards to the north-west of the beacon (Bea. IV.); thence to the highest point of the Mapumula range, the watershed of the Little Usuto River on the north, and the Umpulasi River on the south, the hill, the top of which is a bare rock, falling abruptly towards the Little Usuto (Bea. III.); thence to the western point of a double-pointed rocky hill, precipitous on all sides, called Makwana, its top being a bare rock (Bea. II.); thence to the top of a rugged hill of considerable height falling abruptly to the Komati River, this hill being the northern extremity of the Isilotwani range, and separated from the highest peak of the range Inkomokasi (a sharp cone) by a deep neck (Bea. I.). (On a ridge in the straight line between Beacons I. and II. is an intermediate beacon.) From Beacon I. the boundary runs to a hill across the Komati River, and thence along the crest of the range of hills known as the Makongwa, which runs north-east and south-west, to Kamhlabana Peak; thence in a straight line to Mananga, a point in the Libombo range, and thence to the nearest point in the Portuguese frontier on the Libombo range; thence along the summits of the Libombo range to the middle of the poort where the Komati River passes through it, called the lowest Komati Poort; thence in a north by easterly direction to Pokioens Kop, situated on the north side of the Olifant's River, where it passes through the ridges; thence about north north-west to the nearest point of Serra di Chicundo; and thence to the junction of the Pafuri River with the Limpopo or Crocodile River; thence up the course of the Limpopo River to the point where the Marique River falls into it. Thence up the course of the Marique River to "Derde Poort," where it passes through a low range of hills, called Sikwane, a beacon (No. 10) being erected on the spur of said

range near to, and westward of, the banks of the river; thence, in a straight line, through this beacon to a beacon (No. 9), erected on the top of the same range, about 1,700 yards distant from beacon No. 10; thence, in a straight line, to a beacon (No. 8) erected on the highest point of an isolated hill, called Dikgagong, or "Wildebeest Kop," situated south-eastward of, and about $3\frac{1}{2}$ miles distant from a high hill, called Moripe; thence, in a straight line, to a beacon (No. 7) erected on the summit of an isolated hill or "koppie" forming the eastern extremity of the range of hills called Moshweu, situated to the northward of, and about two miles distant from, a large isolated hill called Chukudu-Chochwa; thence, in a straight line, to a beacon (No. 6) erected on the summit of a hill forming part of the same range, Moshweu; thence, in a straight line, to a beacon (No. 5) erected on the summit of a pointed hill in the same range; thence, in a straight line, to a beacon (No. 4) erected on the summit of the western extremity of the same range; thence, in a straight line, to a beacon (No. 3) erected on the summit of the northern extremity of a low, bushy hill or "Koppie," near to and eastward of the Notwane River; thence in a straight line to the junction of the stream called Metsi-Mashwane with the Notwane River (No. 2); thence up the course of the Notwane River to Sengoma, being the Poort where the river passes through the Dwarsberg range; thence, as described in the Award given by Lieutenant-Governor Keate, dated October 17, 1871, by Pitlanganyane (narrow place), Deboaganka or Schaapkuil, Sibatoul (bare place), and Macclase, to Ramatlabama, a pool on a spruit north of the Molopo River. From Ramatlabama the boundary shall run to the summit of an isolated hill, called Leganka; thence in a straight line, passing north-east of a Native Station, near "Buurman's Drift," on the Molopo River, to that point on the road from Mosiega to the old drift, where a road turns out through the Native Station to the new drift below; thence to "Buurman's Old Drift;" thence in a straight line, to a marked and isolated clump of trees near to and north-west of the dwelling-house of C. Austin, a tenant on the farm "Vleifontein," No. 117; thence, in a straight line, to the north-western corner beacon of the farm "Mooimeisjesfontein," No. 30; thence, along the western line of the said farm "Mooimeisjesfontein," and in prolongation thereof, as far as the road leading from "Ludik's Drift," on the Molopo River, past the homestead of "Mooimeisjesfontein," towards the Salt Pans near Harts River; thence, along the said road, crossing the direct road from Polfontein to Sehuba, and until the direct road from Polfontein to Lotlakane or Pietfontein is reached; thence, along the southern edge of the last-named road towards Lotlakane, until the first garden ground of that station is reached; thence, in a south-westerly direction, skirting

Lotlakane, so as to leave it and all its garden ground in native territory, until the road from Lotlakane to Kunana is reached; thence along the east side, and clear of that road towards Kunana, until the garden grounds of that station are reached; thence, skirting Kunana, so as to include it and all its garden ground, but no more, in the Transvaal, until the road from Kunana to Mamusa is reached; thence, along the eastern side and clear of the road towards Mamusa, until a road turns out towards Taungs; thence, along the eastern side and clear of the road towards Taungs, till the line of the district known as "Stellaland" is reached, about 11 miles from Taungs; thence, along the line of the district Stellaland, to the Harts River, about 24 miles below Mamusa; thence, across Harts River, to the junction of the roads from Monthe and Phokwane; thence, along the western side and clear of the nearest road towards "Koppie Enkel," an isolated hill about 36 miles from Mamusa, and about 18 miles north of Christiana, and to the summit of the said hill; thence, in a straight line, to that point on the north-east boundary of Griqualand West as beacons by Mr. Surveyor Ford, where two farms, registered as Nos. 72 and 75, do meet, about midway between the Vaal and Harts Rivers, measured along the said boundary of Griqualand West; thence to the first point where the north-east boundary of Griqualand West meets the Vaal River.

Article II. The Government of the South African Republic will strictly adhere to the boundaries defined in the first Article of this Convention, and will do its utmost to prevent any of its inhabitants from making any encroachments upon lands beyond the said boundaries. The Government of the South African Republic will appoint Commissioners upon the eastern and western borders whose duty it will be strictly to guard against irregularities and all trespassing over the boundaries. Her Majesty's Government will, if necessary, appoint Commissioners in the native territories outside the eastern and western borders of the South African Republic to maintain order and prevent encroachments.

Her Majesty's Government and the Government of the South African Republic will each appoint a person to proceed together to beacon off the amended south-west boundary as described in Article 1 of this Convention; and the President of the Orange Free State shall be requested to appoint a referee to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article, and the decision of such referee thereon shall be final. The arrangement already made, under the terms of Article 19 of the Convention of Pretoria of the 3rd August, 1881, between the owners of the farms Grootfontein and Vallefontein on the one hand, and the Barolong authorities on the other, by which a fair share of

the water supply of the said farms shall be allowed to flow undisturbed to the said Barolongs, shall continue in force.

Article III. If a British officer is appointed to reside at Pretoria or elsewhere within the South African Republic to discharge functions analogous to those of a Consular officer he will receive the protection and assistance of the Republic.

Article IV. The South African Republic will conclude no treaty or engagement with any State or nation other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic, until the same has been approved by Her Majesty the Queen.

Such approval shall be considered to have been granted if Her Majesty's Government shall not, within six months after receiving a copy of such treaty (which shall be delivered to them immediately upon its completion), have notified, that the conclusion of such treaty is in conflict with the interests of Great Britain or of any of Her Majesty's possessions in South Africa.

Article V. The South African Republic will be liable for any balance which may still remain due of the debts for which it was liable at the date of Annexation, to wit, the Cape Commercial Bank Loan, the Railway Loan, and the Orphan Chamber Debt, which debts will be a first charge upon the revenues of the Republic. The South African Republic will moreover be liable to Her Majesty's Government for £250,000, which will be a second charge upon the revenues of the Republic.

Article VI. The debt due as aforesaid by the South African Republic to Her Majesty's Government will bear interest at the rate of three and a half per cent. from the date of the ratification of this Convention, and shall be repayable by a payment for interest and Sinking Fund of six pounds and ninepence per £100 per annum, which will extinguish the debt in twenty-five years. The said payment of six pounds and ninepence per £100 shall be payable half-yearly, in British currency, at the close of each half year from the date of such ratification: Provided always that the South African Republic shall be at liberty at the close of any half year to pay off the whole or any portion of the outstanding debt.

Interest at the rate of three and half per cent. on the debt as standing under the Convention of Pretoria shall as heretofore be paid to the date of the ratification of this Convention.

Article VII. All persons who held property in the Transvaal on the 8th day of August, 1881, and still hold the same, will continue to enjoy the rights of property which they have enjoyed since the 12th April, 1877. No person who has remained loyal to Her Majesty during the late hostilities shall suffer any molestation by reason of his loyalty; or be

liable to any criminal prosecution or civil action for any part taken in connexion with such hostilities ; and all such persons will have full liberty to reside in the country, with enjoyment of all civil rights, and protection for their persons and property.

Article VIII. The South African Republic renews the declaration made in the Sand River Convention, and in the Convention of Pretoria, that no slavery or apprenticeship partaking of slavery will be tolerated by the Government of the said Republic.

Article IX. There will continue to be complete freedom of religion and protection from molestation for all denominations, provided the same be not inconsistent with morality and good order ; and no disability shall attach to any person in regard to rights of property by reason of the religious opinions which he holds.

Article X. The British Officer appointed to reside in the South African Republic will receive every assistance from the Government of the said Republic in making due provision for the proper care and preservation of the graves of such of Her Majesty's Forces as have died in the Transvaal ; and if need be, for the appropriation of land for the purpose.

Article XI. All grants or titles issued at any time by the Transvaal Government in respect of land outside the boundary of the South African Republic, as defined in Article 1, shall be considered invalid and of no effect, except in so far as any such grant or title relates to land that falls within the boundary of the South African Republic ; and all persons holding any such grant so considered invalid and of no effect will receive from the Government of the South African Republic such compensation, either in land or in money, as the Volksraad shall determine. In all cases in which any Native Chiefs or other authorities outside the said boundaries have received any adequate consideration from the Government of the South African Republic for land excluded from the Transvaal by the first Article of this Convention, or where permanent improvements have been made on the land, the High Commissioner will recover from the native authorities fair compensation for the loss of the land thus excluded, or of the permanent improvement thereon.

Article XII. The independence of the Swazis, within the boundary line of Swaziland, as indicated in the first Article of this Convention, will be fully recognised.

Article XIII. Except in pursuance of any treaty or engagement made as provided in Article 4 of this Convention, no other or higher duties shall be imposed on the importation into the South African Republic of any article coming from any part of Her Majesty's dominions than are or may be imposed on the like article coming

from any other place or country; nor will any prohibition be maintained or imposed on the importation into the South African Republic of any article coming from any part of Her Majesty's dominions which shall not equally extend to the like article coming from any other place or country. And in like manner the same treatment shall be given to any article coming to Great Britain from the South African Republic as to the like article coming from any other place or country.

These provisions do not preclude the consideration of special arrangements as to import duties and commercial relations between the South African Republic and any of Her Majesty's colonies or possessions.

Article XIV. All persons, other than natives, conforming themselves to the laws of the South African Republic (a) will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic; (b) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (c) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (d) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic.

Article XV. All persons, other than natives, who established their domicile in the Transvaal between the 12th day of April, 1877, and the 8th August, 1881, and who within twelve months after such last-mentioned date have had their names registered by the British Resident, shall be exempt from all compulsory military service whatever.

Article XVI. Provision shall hereafter be made by a separate instrument for the mutual extradition of criminals, and also for the surrender of deserters from Her Majesty's Forces.

Article XVII. All debts contracted between the 12th April, 1877, and the 8th August, 1881, will be payable in the same currency in which they may have been contracted.

Article XVIII. No grants of land which may have been made, and no transfers or mortgages which may have been passed between the 12th April, 1877, and the 8th August, 1881, will be invalidated by reason merely of their having been made or passed between such dates.

All transfers to the British Secretary for Native Affairs in trust for natives will remain in force, an officer of the South African Republic taking the place of such Secretary for Native Affairs.

Article XIX. The Government of the South African Republic will engage faithfully to fulfil the assurances given, in accordance with the laws of the South African Republic, to the natives at the Pretoria Pitso by the Royal Commission in the presence of the Triumvirate and with their entire assent, (1) as to the freedom of the natives to buy

or otherwise acquire land under certain conditions, (2) as to the appointment of a commission to mark out native locations, (3) as to the access of the natives to the courts of law, and (4) as to their being allowed to move freely within the country, or to leave it for any legal purpose, under a pass system.

Article XX. This Convention will be ratified by a Volksraad of the South African Republic within the period of six months after its execution, and in default of such ratification this Convention shall be null and void.

Signed in duplicate in London this 27th day of February, 1884.

(Signed) HERCULES ROBINSON.

(Signed) S. J. P. KRÜGER.

(Signed) S. J. DU TOIT.

(Signed) N. J. SMIT.

YEARS.	GOVERNORS (Lt.-Governors) CAPE COLONY (From 1847, at the same times High Commissioners for British South Africa).	SECRETARIES OF STATE FOR THE COLONIES. GREAT BRITAIN.	PREMIERS. GREAT BRITAIN.	SECRETARIES OF STATE FOR FOREIGN AFFAIRS. GREAT BRITAIN.	GOVERNORS (Lt.-Governors AND ADMINISTRATORS). NATAL.
1806	Sir David Baird.	W. Windham.	Lord Grenville.	Charles James Fox.	
1807	H. G. Grey (Lt.-Gr.).	Lord Castlereagh.	Duke of Portland.	Lord Grey.	
1808	Lord Caledon.	" "	" "	George Canning.	
1809	" "	" "	" "	" "	
1810	" "	Lord Liverpool.	Spencer Perceval.	Lord Bathurst.	
1811	H. G. Grey (Lt.-Gr.).	" "	" "	Lord Wellesley.	
1811	Sir John F. Cradock.	" "	" "	" "	
1812	" " "	Lord Bathurst.	" "	" "	
1818	Robert Meade (Lt.-Gr.).	" "	" "	Lord Londonderry (Castlereagh).	
1814	Lord Charles Somerset.	" "	" "	" "	
1815	" "	" "	" "	" "	
1816	" "	" "	" "	" "	
1817	" "	" "	" "	" "	
1818	" "	" "	" "	" "	
1819	" "	" "	" "	" "	
1820	Sir Rufane Shaw Donkin (Act.).	" "	" "	" "	
1821	Lord Charles Somerset.	" "	" "	" "	
1822	" "	" "	" "	George Canning.	

1823	Lord Charles Somerset.	Lord Bathurst.	Lord Liverpool.	George Canning.	
1824	" "	" "	" "	" "	
1825	" "	" "	" "	" "	
1826	Richard Bourke (Lt.-Gr.).	" "	" "	" "	
1827	" "	Lord Ripon.	George Canning.	Lord Dudley.	
1827	" "	W. Huskisson.	Lord Goderich.	" "	
1828	Sir Lowry Cole.	George Murray.	Duke of Wellington.	Lord Aberdeen.	
1829	" "	" "	" "	" "	
1830	" "	Lord Ripon.	Lord Grey.	Lord Palmerston.	
1831	" "	" "	" "	" "	
1832	" "	" "	" "	" "	
1833	" "	Lord Derby.	" "	" "	
1834	Col. Wade (Act.).	Lord Montague.	Lord Melbourne.	Duke of Wellington.	
1834	Sir Benjamin D'Urban.	Lord Aberdeen.	Sir Robert Peel.	" "	
1835	" "	Lord Glenelg.	Lord Melbourne.	Lord Palmerston.	
1836	" "	" "	" "	" "	
1837	" "	" "	" "	" "	
1838	Sir George Napier.	" "	" "	" "	
1839	" "	Lord John Russell.	" "	" "	
1839	" "	Lord Normanby.	" "	" "	
1840	" "	" "	" "	" "	
1841	" "	Lord Derby.	" "	" "	
1842	" "	" "	Sir Robert Peel.	Lord Aberdeen.	H. Cloete (Spec. Cr.).
1843	Sir Peregrine Maitland.	" "	" "	" "	" "
1844	" "	" "	" "	" "	" "
1845	" "	W. E. Gladstone.	" "	" "	Martin West (Lt.-Gr.).
1846	" "	Lord Grey.	" "	" "	" "
1847	Sir Henry Pottinger.	" "	Lord John Russell.	Lord Palmerston.	" "
1847	Sir Harry Smith.	" "	" "	" "	" "
1848	" "	" "	" "	" "	" "
1849	" "	" "	" "	" "	F. E. Boys (Admr.).

YEARS.	GOVERNORS (LT.-GOVERNORS) CAPE COLONY (From 1847, at the same time High Commissioners for British South Africa).	SECRETARIES OF STATE FOR THE COLONIES. GREAT BRITAIN.	PREMIERS. GREAT BRITAIN.	SECRETARIES OF STATE FOR FOREIGN AFFAIRS. GREAT BRITAIN.	GOVERNORS (LT.-GOVERNORS AND ADMINISTRATORS). NATAL.
1850	Sir Harry Smith.	Lord Grey.	Lord John Russell.	Lord Palmerston.	Benjamin Pine (Lt.-Gr.).
1851	" " " "	" " " "	" " " "	Lord Granville.	" " " "
1852	Ch. Darling (Lt.-Gr.).	Sir J. S. Pakington.	Lord Derby.	Lord Malmesbury.	F. E. Boys (Act. Lt.-Gr.).
1853	Lt.-Genl. G. Cathcart.	Duke of Newcastle.	Lord Aberdeen.	Lord John Russell.	" " " "
1854	" " " "	" " " "	" " " "	Lord Clarendon.	W. R. Preston " "
1855	Sir George Grey.	Sir George Grey.	" " " "	" " " "	Benjamin Pine (Lt.-Gr.).
1856	" " " "	Lord John Russell.	Lord Palmerston.	" " " "	H. Cooper (Act. Lt.-Gr.).
1857	" " " "	Sir W. Molesworth.	" " " "	" " " "	" " " "
1858	" " " "	H. Labouchere.	" " " "	" " " "	" " " "
1859	" " " "	" " " "	" " " "	" " " "	John Scott (Lt.-Gr.).
1860	Lt.-Genl. Wynyard (Lt.-Gr.).	Lord Derby.	Lord Derby.	Lord Malmesbury.	" " " "
1861	Sir George Grey.	Sir E. B. Lytton.	" " " "	Lord Russell.	" " " "
1862	" " " "	Duke of Newcastle.	Lord Palmerston.	" " " "	" " " "
1863	Sir Philip Wodehouse.	" " " "	" " " "	" " " "	W. Williamson (Adm.).
1864	" " " "	" " " "	" " " "	" " " "	John Scott (Lt.-Gr.).
1865	" " " "	E. Cardwell.	" " " "	" " " "	" " " "
1866	" " " "	" " " "	Lord Russell.	Lord Clarendon.	J. Maclean (Lt.-Gr.).
1867	" " " "	" " " "	" " " "	" " " "	J. W. Thomass (Adm.).
1868	" " " "	" " " "	" " " "	" " " "	J. J. Bissett (Adm.).

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